United Nations S/2005/396

Security Council

Distr.: General
20 June 2005
English
Original: French

Draft resolution

The Security Council,

Reaffirming its support for the process of the Peace and Reconciliation Agreement for Burundi, signed at Arusha on 28 August 2000,

Convinced of the need, for the consolidation of peace and reconciliation in Burundi, to establish the truth, investigate the crimes, and identify and bring to justice those bearing the greatest responsibility for crimes of genocide, crimes against humanity and war crimes committed in Burundi since independence, to deter future crimes of this nature, and to bring an end to the climate of impunity, in Burundi and in the region of the Great Lakes of Africa as a whole,

Emphasizing that appropriate international assistance to Burundi is needed to help the Burundian people end impunity, promote reconciliation, and establish a society and government under the rule of law,

Having taken note of the letter addressed on 24 July 2002 by the then President of the Republic of Burundi, Pierre Buyoya, to the Secretary-General to request the establishment of an international judicial commission of inquiry, as provided for in the Arusha Agreement,

Having also taken note of the report transmitted by the Secretary-General to the Security Council on 11 March 2005 (S/2005/158), following on the assessment mission he had dispatched to Burundi, from 16 to 24 May 2004, to consider the advisability and feasibility of establishing such a commission,

Having heard the opinion of the Transitional Government of Burundi, presented by its Justice Minister, Didace Kiganahe, on 15 June 2005, on the recommendations contained in this report, which aim at the creation of a mixed Truth Commission and a Special Chamber within the court system of Burundi,

Acknowledging the crucial importance of reconciliation for peace and national unity in Burundi and *sharing the view* that a future Truth Commission should contribute to it,

1. *Requests* the Secretary-General to initiate negotiations with the Government and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Council by 30 September 2005 on details of implementation, including costs, structures and time frame;

2. *Decides* to remain seized of the matter.

05-39152 (E) 200605

United Nations A/59/851-S/2005/397

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Security Council

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General Assembly
Fifty-ninth session
Agenda item 163
The situation in the occupied territories of Azerbaijan

Security Council
Sixtieth year

Letter dated 16 June 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement by the Ministry for Foreign Affairs of Azerbaijan on the so-called "parliamentary elections" of the separatist regime in the occupied Nagorno Karabakh region of the Republic of Azerbaijan to be held on 19 June 2005.

I should be grateful if the present letter and its annex were urgently distributed as a document of the General Assembly, under agenda item 163, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

05-39021 (E) 200605

Annex to the letter dated 16 June 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Statement by the Ministry for Foreign Affairs of Azerbaijan

According to the information disseminated by Armenian media, so-called "parliamentary elections" of the separatist regime in the occupied Nagorno Karabakh region of the Republic of Azerbaijan are to be held on 19 June 2005.

The Azerbaijan side has repeatedly given principal legal assessments of such provocative actions and states again that attempts to impose the fait accompli have no prospects.

Holding "elections" in the conditions of territorial seizure and ethnic cleansings contradicts the norms and principles of international law and the Constitution of the Republic of Azerbaijan and has no legal effect.

Such actions undertaken by the Armenian side do not comply with the spirit of negotiations, in the framework of which positive hopes have been strengthened recently.

Sustainable peace cannot be achieved without normalization of life and ensuring peaceful coexistence and cooperation of the Azerbaijani and Armenian communities of the Nagorno Karabakh region of the Republic of Azerbaijan. In this regard, the Azerbaijani side supports calls of the international community vis-à-vis setting up direct contacts between the communities and carrying out comprehensive confidence-building measures with a view to overcoming hostility and achieving stability and mutual understanding. Such an inter-community dialogue will contribute to establishing relations between Nagorno Karabakh Armenians and to the Azerbaijan population of this region returning to their permanent places of residence, and will create necessary prerequisites for involving all parts of the region's population in a lawful, peaceful and democratic process, including also the formation of legitimate regional authorities at all levels.

14 June 2005

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Security Council

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Fifth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire

I. Introduction

1. The present report is prepared pursuant to Security Council resolution 1528 (2004) of 27 February 2004, by which the Council established the United Nations Operation in Côte d'Ivoire (UNOCI) for an initial period of 12 months as from 4 April 2004. This report covers major developments since my report of 18 March 2005 (S/2005/186) and includes an update on the status of the peace process, as requested by the Council in paragraph 18 of its resolution 1572 (2004) of 15 November 2004. The Council has also received the fortnightly reports prepared by the Monitoring Group established under the Accra III Agreement comprising the representatives in Côte d'Ivoire of the United Nations, the African Union and the Economic Community of West African States (ECOWAS).

II. The peace process

2. During the reporting period, the momentum initially gained in the peace process following the signing of the Pretoria Agreement has slowed as only limited progress has been made towards its implementation.

3. President Thabo Mbeki of South Africa, the African Union mediator, convened a meeting of the Ivorian parties in Pretoria from 3 to 6 April to discuss the action plan formulated following his visit to Côte d'Ivoire on 6 December 2004. The meeting, which brought together Laurent Gbagbo, President of Côte d'Ivoire; Seydou Diarra, Prime Minister of Côte d'Ivoire; Henri Konan Bédié, President of the Democratic Party of Côte d'Ivoire; Alassane Ouattara, President of the Rally of Republicans; and Guillaume Soro, Secretary-General of the Forces nouvelles, resulted in the signing on 6 April of the Pretoria Agreement on the Peace Process in Côte d'Ivoire (S/2005/270, annex I).

4. The Pretoria Agreement includes a joint declaration by the Ivorian parties on an immediate and final cessation of all hostilities and an end to the war throughout the country. The parties also agreed to proceed immediately with the disarmament and dismantling of militias and armed groups throughout the country. A meeting of the chiefs of staff of the Ivorian National Armed Forces (FANCI) and of the Forces nouvelles was to be held to prepare the national disarmament, demobilization and reintegration plan and to provide recommendations for the restructuring of the army.

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The Agreement also envisages the training of 600 Forces nouvelles elements to provide security in the north once the cantonment of the Forces nouvelles begins. Furthermore, under the Agreement, certain laws deemed to be not in conformity with the Linas-Marcoussis Agreement of 27 January 2003 (S/2003/99, annex I) were to be amended before 30 April. The Forces nouvelles also agreed to return to the Government of National Reconciliation.

5. The Ivorian parties also reaffirmed the need to hold presidential elections in October 2005 and legislative elections immediately thereafter. To that end, it was agreed that the United Nations would be invited to participate in the preparations of the general elections. The reconstitution of the Independent Electoral Commission was envisaged under the Agreement in conformity with the provisions of the Linas-Marcoussis Agreement. The Pretoria Agreement also called on President Mbeki, in consultation with the Chairperson of the African Union and myself, to make a determination on the issue of eligibility for the presidency in Côte d'Ivoire.

III. Implementation of the Pretoria Agreement

6. FANCI and the Forces nouvelles met in Bouaké from 14 to 16 April in the presence of the Prime Minister, representatives of the impartial forces and the South African mediation. A communiqué issued on 16 April indicated that a seminar would be held in Yamoussoukro on the national disarmament, demobilization and reintegration programme and the restructuring of the armed forces. Following a meeting of the Quadripartite Commission, comprising FANCI, the Forces nouvelles, UNOCI and the Licorne forces, held in Daoukro on 19 April, FANCI and the Forces nouvelles from 21 to 24 April withdrew their heavy weapons from the boundaries of the zone of confidence to agreed locations.

Eligibility to the presidency of the Republic

7. The resolution of the question of eligibility for the upcoming presidential elections was a significant step forward in the peace process. In April, President Gbagbo held a series of consultations on the issue with national stakeholders. In line with the determination conveyed by President Mbeki to the Ivorian parties on 11 April, President Gbagbo declared on 26 April, using the special powers conferred on him by article 48 of the Ivorian Constitution, that all candidates nominated by the political parties signatory to the Pretoria Agreement would be allowed to participate in the presidential elections.

8. President Gbagbo also declared on 26 April that the use of his emergency powers would not be limited to the issue of presidential eligibility and announced that the production of voters' lists and voter registration cards would be the sole responsibility of the National Institute of Statistics. This announcement was strongly criticized by opposition parties, which expressed serious doubts about the neutrality of the Institute and its ability to successfully carry out such electoral tasks. The opposition parties also strongly objected to the declaration by President Gbagbo regarding the use of special powers, noting that, according to the ruling by President Mbeki, it should be limited to the issue of presidential eligibility. Consequently, on 20 May, Alassane Ouattara and Henri Konan Bédié requested President Mbeki to make an additional determination on the issue.

Legislative reforms

9. Some progress has been made in the revision of several laws which were deemed not to be in conformity with the spirit and letter of the Linas-Marcoussis Agreement. The laws concerning the composition of the Independent Electoral Commission and the funding of political parties have been agreed upon by the Council of Ministers, but still need to be adopted by the National Assembly. There are still divergent views within the Council of Ministers over whether any other laws envisaged in the Linas-Marcoussis Agreement should also be amended. In this regard, Prime Minister Diarra has sought confirmation from President Mbeki on the need to revise other key pieces of legislation, including the nationality code and the laws on identification and land tenure.

Disarmament, demobilization and reintegration

10. On 14 May, in Yamoussoukro, the chiefs of staff of FANCI and the Forces nouvelles agreed on modalities for the national disarmament, demobilization and reintegration programme, with the disarmament and demobilization phases envisaged to take place from 27 June to 10 August. It was also agreed that a special commission would develop a plan for the restructuring of the armed forces by 26 September. A total of 48,064 persons are expected to benefit from the disarmament, demobilization and reintegration programme, including 5,500 FANCI and 42,564 Forces nouvelles personnel. Demobilized combatants will receive a safety net package of approximately $940 with 25 per cent paid upon demobilization, 25 per cent paid 45 days later and the remainder paid 90 days after demobilization.

11. The cost of the disarmament, demobilization and reintegration programme is estimated at $150 million. The Government of National Reconciliation is expected to provide about 30 per cent of the cost, the World Bank is considering the provision of an $80 million loan, and other donors are also providing funding. However, there is currently a $19 million funding shortfall for the programme.

12. On 18 May, the Forces nouvelles indicated that they would not disarm, until a number of conditions had been met. These include the disarmament and dismantling of militias and the adoption by the National Assembly of the amended law on the composition of the Independent Electoral Commission, the nationality code and the law on identification. In addition, the Forces nouvelles have insisted that adequate security guarantees be provided during the disarmament, demobilization and reintegration process and that the requisite funding be secured before the process starts. This has cast serious doubts on whether the process will start on 27 June as currently scheduled.

Disarmament and dismantling of the militias

13. The continued presence of organized and armed militias poses a major security risk that has the potential to disrupt the entire peace process. The disarmament of the militias is a priority, particularly with regard to the forthcoming electoral campaign with its potential for politically motivated violence. While a symbolic handover of weapons involving four of the main pro-Government militias operating in the west took place in Guiglo on 25 May, under the supervision of the chief of staff of FANCI, several of the militia members expressed a reluctance to disarm in the absence of adequate guarantees for their future. The Forces nouvelles have also

questioned the prospects for progress, citing reports that many militia members have simply gone into hiding with their weapons and ammunition.

14. Under the Pretoria Agreement, Prime Minister Diarra was given responsibility for developing a plan for the disarmament and dismantling of the militias with the support of Units of the Ivorian Defence and Security Forces to be selected and placed at his disposal by President Gbagbo. The Prime Minister has repeatedly requested the direct assistance of the impartial forces in this exercise to ensure that it is carried out transparently. UNOCI is discussing with the Prime Minister how it might be able to assist in this task within its capacity.

Training of Forces nouvelles to provide security in the north

15. As envisaged in the Pretoria Agreement, UNOCI is developing a training programme for 600 individuals from the Forces nouvelles to provide security in the north as soon as the cantonment of the Forces nouvelles commences. Teams of United Nations civilian police officers will continue to provide advice and mentoring to those personnel.

Security of the Government of National Reconciliation ministers

16. The UNOCI special protection group has continued to provide security for Forces nouvelles ministers of the Government of National Reconciliation. Since several Forces nouvelles ministers did not participate in the work of the Government of National Reconciliation during the reporting period and were often absent from Abidjan, UNOCI was able to provide an adequate level of support to the reduced number of ministers needing security protection. As recommended in my third and fourth progress reports on UNOCI (see S/2004/962 and S/2005/186), the special protection group will require an additional 76 gendarmes if it is to provide effective protection to Government ministers. Meanwhile, the Government of South Africa has provided training for Ivorian gendarmerie officers and Forces nouvelles elements in South Africa for the protection of members of the Government of National Reconciliation. While this is a welcome development, the proposed involvement of the UNOCI special protection group in the security plan developed by the South African mediation team will need to be clarified in order to ensure the optimal deployment of personnel.

Completion of the board of directors of Ivorian Radio and Television

17. The Pretoria Agreement provides for the restoration of Ivorian Radio and Television to the status it held prior to 24 December 2004 and the appointment of a new board of directors. On 28 April, President Gbagbo issued two decrees restoring Ivorian Radio and Television to its original status and reinstating its board of directors.

IV. Elections

18. The Pretoria Agreement calls upon the United Nations to play an enhanced role in the organization of the upcoming general elections. In a letter addressed to me dated 23 May, the Permanent Representative of Côte d'Ivoire to the United Nations reiterated a request from his Government that the United Nations provide expertise and other assistance for the organization of the presidential and legislative

elections. Furthermore, in a letter dated 23 May addressed to the President of the Security Council (S/2005/340), the Permanent Representative of South Africa conveyed the wish of President Mbeki, in his capacity as mediator for the peace process, to request the United Nations, on behalf of the Ivorian people, to participate in the organization of general elections. The letter also indicated that the mediator hoped that the Security Council would soon agree on the appointment of a competent authority who, acting in the name of the international community and invested with the necessary powers and uncontested moral authority, would guarantee transparency and strict respect for the rules governing the election. It will be recalled that, in order to ensure that the upcoming elections would be credible and meet international standards, the Ivorian parties, in consultation with the South African mediation, had agreed on the appointment of such an authority.

19. In this connection, by its resolution 1603 (2005) of 3 June, the Security Council requested that I designate, as an exceptional arrangement, after consultations with the African Union and President Mbeki, a High Representative for the elections in Côte d'Ivoire, autonomous from UNOCI, to assist in particular in the work of the Independent Electoral Commission and of the Constitutional Council, without prejudice to the responsibilities of my Special Representative for Côte d'Ivoire. The High Representative is mandated to verify, on behalf of the international community, that all stages of the electoral process, including the establishment of a register of voters and the issuance of voters' cards, provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections, within the limits laid down in the Constitution of Côte d'Ivoire. The High Representative is also mandated to provide, in close cooperation with UNOCI and the mediation, all necessary advice and guidance to the Constitutional Council, the Independent Electoral Commission and other relevant agencies or institutes to help them prevent and resolve any difficulty which may jeopardize the holding of the elections, with the authority to make necessary determinations in this regard. I am presently considering candidates for the position of High Representative and intend to revert to the Council with my decision on this matter shortly.

20. The office of the High Representative would comprise a limited number of electoral experts. While the office would be autonomous from UNOCI, the mission would be expected to cooperate closely with it, including through the sharing of information and the provision of technical advice and administrative support. A small reinforcement of the electoral component of UNOCI will therefore be needed in order to carry out the new tasks foreseen under the Pretoria Agreement.

21. An electoral review mission, led by the Electoral Assistance Division of the Department of Political Affairs, was deployed to Côte d'Ivoire from 20 May to 3 June to further assess and review preparations for the 2005 elections and prepare recommendations on the support to be provided by the United Nations. The mission found that the preparations for the elections had been subject to delays and that, unless the current slow pace of implementation was significantly increased, it would not be possible to meet the scheduled date of 30 October. As noted above, the Independent Electoral Commission does not currently enjoy the full support of all political actors in Côte d'Ivoire, as the revised law on its composition has yet to be adopted and a reconstituted Commission has yet to be established. The situation is further compounded by the continuing ambiguity surrounding the respective roles and responsibilities of the National Institute of Statistics and the Independent

Electoral Commission, following President Gbagbo's declaration of 26 April (see para. 8 above).

22. A new voter registration system being proposed by the National Institute of Statistics has not yet been tested and there is a risk that unforeseen operational problems could cause delays. Furthermore, the Independent Electoral Commission would normally play a key role in defining the modalities for the voter registration process and in supervising it. It would therefore not be advisable to proceed with the exercise until a reconstituted Commission has been established. Decisions also need to be taken urgently with regard to voter registration methodology, institutional responsibilities and the types of documentation that should be presented by those intending to register to vote.

23. In the present circumstances, producing a comprehensive budget for the electoral process or a realistic electoral calendar is not possible. As a result, donors are reluctant to provide funds for the elections. The Ivorian parties need urgently to take the steps necessary to establish the reconstituted Independent Electoral Commission and to resolve other key outstanding issues if the electoral process is to remain on track.

24. In preparation for holding the national elections, on 18 April, in Paris, four opposition parties — the Rally of Republicans, the Democratic Party of Côte d'Ivoire, the Movement of Forces of the Future and the Union for Democracy and Peace in Côte d'Ivoire — created a common electoral platform known as the "Rally of Houphouëtistes for Democracy and Peace".

V. Restoring security

25. As at 13 June, the force level of UNOCI stood at 6,042 against an authorized strength of 6,240. The major shortfall is in the helicopter unit, for which a troop contributor is still actively being sought. As a result, UNOCI aviation support currently lacks the flexibility of dedicated military assets, critical for movement and timely employment of reserves, patrolling of the borders, monitoring of the arms embargo and medical evacuation of injured United Nations troops.

26. UNOCI troops continued to carry out their mandated tasks throughout the country, consistent with the operational priorities imposed by the mission's limited resources. These tasks include ensuring the security of United Nations personnel, equipment and installations; monitoring the ceasefire and movement of armed groups and preventing hostile actions, in particular within the zone of confidence; assisting the disarmament, demobilization and reintegration process; and monitoring the implementation of the arms embargo.

27. During the reporting period, no violations of the ceasefire were reported, and there were no major violations of the zone of confidence by either of the belligerent forces. The situation in Abidjan remained relatively calm and there was an overall decline in the activities of the "Young patriots". However, there was an increase in criminality and targeted political violence in the city.

28. As indicated in paragraphs 6 and 10 above, FANCI and the Forces nouvelles have resumed contacts, thereby helping to reduce tensions between the military forces. While the withdrawal of heavy weapons from the zone of confidence was a

positive development, continuing lawlessness in the zone continues to be of serious concern.

29. The UNOCI and Licorne forces continue to cooperate closely at all levels. The UNOCI military component has also continued to cooperate with the United Nations Mission in Liberia (UNMIL) and the United Nations Mission in Sierra Leone (UNAMSIL), including through the sharing of information, situation assessments, liaison, visits and coordination between the joint mission analysis cells, in particular to prevent cross-border movements of weapons or armed groups.

Situation in the west

30. The continuing violence in the western part of Côte d'Ivoire remains a major cause for concern and, if left unchecked, risks undermining the gains made since the signing of the Pretoria Agreement. In this regard, the Duékoué area has been the scene of a series of inter- and intracommunal clashes resulting in numerous deaths, destruction of property and the displacement of thousands of people.

31. Between 30 April and 2 May, 25 people were killed and 41 injured in Duékoué, Yrozon, Blody and Tao Zeo and more than 9,000 people, mostly from the Guéré community, were displaced. Subsequently, during the night of 31 May, traditional hunters known as "Dozos", armed with machetes and rifles, attacked the villages of Guetrozon and Petit Duékoué. At least 41 people were killed and 61 injured during the attacks on the villages whose inhabitants are predominantly of Guéré origin. On 1 June, seven people of northern Dioula origin were killed in Duékoué, allegedly by Guérés, in apparent retaliation for the attack of 31 May. Further attacks occurred in the next few days bringing the death toll to at least 70. It appears that FANCI soldiers in Guetrozon did little to stop the initial attacks. Several thousand people fled Duékoué, while 10,000 took refuge in the town at a Catholic mission. The situation in the area remains tense. In my statement of 2 June, I urged the Ivorian authorities to conduct a full inquiry into the incident and ensure that the perpetrators of the attack are quickly brought to justice.

32. On 1 June, UNOCI deployed personnel from the Bangladeshi contingent to the area to help the Ivorian Defence and Security Forces stabilize the situation. The UNOCI presence was subsequently reinforced in and around Duékoué, where some 350 troops are now providing support to the Defence and Security Forces. In addition, UNOCI and Licorne launched a joint surveillance operation in the Duékoué area and the zone of confidence. While the strengthening of the UNOCI presence around Duékoué has helped to stabilize the situation, it has placed an additional strain on the mission's already overstretched military capacity.

33. In an effort to address the critical situation in the west, my Special Representative for Côte d'Ivoire has met with Government officials, including Prime Minister Diarra and senior members of the President's office, to discuss ways of strengthening security around Duékoué. President Gbagbo has requested that UNOCI work closely with the Ivorian Defence and Security Forces. The authorities have also asked that joint patrols by these forces and impartial forces be reinstituted. UNOCI has also emphasized to the authorities their primary responsibility for ensuring the security of civilians in Government-controlled areas and, in particular, the need to promote dialogue and reconciliation between different communities in the west.

34. Furthermore, on 8 June, my Special Representative for Côte d'Ivoire called on the Ivorian authorities to launch an investigation as soon as possible into the attacks around Duékoué and indicated the readiness of the UNOCI Human Rights Unit to provide assistance as required. On 9 June, my Special Representative accompanied the members of the monitoring committee established under the Linas-Marcoussis Agreement to the Duékoué area, where they visited the village of Guetrozon and the Catholic mission. Prime Minister Diarra also visited the area on 3 June, as did President Gbagbo on 14 June.

Monitoring the arms embargo

35. In accordance with the provisions of Security Council resolution 1572 (2004) of 15 November 2004, UNOCI started inspection visits to monitor the arms embargo on 21 March. Since then, inspections of FANCI and Forces nouvelles military installations and airports, airfields, seaports and border crossings have been conducted, with no violations being reported. It should be noted that the capacity of UNOCI to monitor the arms embargo is limited by a lack of dedicated expertise and resources, insufficient intelligence and the continued failure of FANCI and the Forces nouvelles to provide UNOCI with a comprehensive list of their armaments, as called for by Security Council resolution 1584 (2005) of 1 February 2005.

Small arms control

36. At the request of the Prime Minister, the post-conflict unit of the United Nations Development Programme, in collaboration with the Disarmament, Demobilization and Reintegration Section of UNOCI, organized a meeting on small arms and light weapons from 17 to 20 May in Grand Bassam. The meeting resulted in the adoption of a pilot programme on small arms and light weapons control, an institutional framework for the national commission on small arms and light weapons and a number of documents related to this topic. This is an encouraging development, and UNOCI will continue to work closely with the Government and other partners on implementing the pilot programme and other arms control measures.

VI. Redeploying State administration

37. UNOCI continues to facilitate, in cooperation with ECOWAS and other international partners, preparations for the redeployment of State administration throughout the country. The National Commission for the Restoration of State Authority organized a seminar in Grand Bassam from 18 to 21 May, attended by a wide range of national stakeholders, at which guidelines and a time frame for the restoration of State administration were adopted. Renewed calls were made for urgent donor support for this exercise, which is estimated to cost $300 million. In this connection, the Prime Minister intends to convene shortly a round table with major donors to mobilize donor assistance for the disarmament, demobilization and reintegration programme, the national elections and the redeployment of State administration.

VII. Re-establishing the rule of law and protecting human rights

Civilian policing

38. As at 13 June, the UNOCI civilian police component stood at 218 officers out of an authorized strength of 350. These officers are deployed in Abidjan, Daloa, San-Pédro, Man, Bouaké, Yamoussoukro, Bondoukou, Korhogo and Abengourou. The full deployment of police personnel is expected to be completed in July 2005.

39. During the period under review, the police and military components of UNOCI continued to participate in mixed patrols with FANCI, the Ivorian national police and the gendarmerie in Abidjan. Furthermore, UNOCI civilian police operating from Bouaké, Daloa, Yamoussoukro and Bondoukou participated in joint patrolling in the zone of confidence. UNOCI civilian police officers have assisted the UNOCI military component in carrying out its mandated tasks related to the protection of civilians under imminent threat of violence in the zone of confidence.

The justice system

40. During the period under review, the UNOCI Rule of Law Unit met regularly with the local judiciary, including the National Union of Magistrates and local prison officials. The Unit's efforts focused on developing measures to help strengthen the independence of the judiciary and to address problems of corruption. The Unit has also been providing assistance to the local judiciary in dealing with cases of death in custody, torture, ill-treatment and arbitrary killings of detainees by elements of the security forces.

Prisons

41. UNOCI has prepared a training programme for corrections officers and submitted it to the Ivorian authorities for approval. UNOCI and the International Committee of the Red Cross (ICRC) have also intervened at the Daloa prison to help improve the delivery of food and health care to prisoners after the deaths of several inmates due to malnutrition. In order to improve security at the main prison in Abidjan, following the escape of 3,645 prisoners in November 2004, UNOCI has provided assistance for the rehabilitation of the prison's infrastructure through quick impact project funding.

Human rights

42. The human rights situation throughout Côte d'Ivoire remains worrying. It has been exacerbated in the western part of the country by the continuing tensions created by the armed attack by a group of elements claiming to be members of the Mouvement Ivoirien pour la Libération de l'Ouest de la Côte d'Ivoire (MILOCI) against Forces nouvelles positions at Logoualé on 28 February and also the attacks around Duékoué.

43. Summary and extrajudiciary executions, rape, sexual violence and extortion continue throughout the country, involving elements of the Forces nouvelles and affiliated militias such as the Dozos, the Ivorian Defence and Security Forces, pro-Government militias and other armed groups.

44. Relations between indigenous Ivorian ethnic groups and immigrant communities in many areas remain tense, notably in Duékoué and Guiglo and in and

around the zone of confidence. The continuing confrontations between these communities have resulted in serious human rights violations. Robberies have also increased on main roads, while some elements of the Forces nouvelles and pro-Government militias have infiltrated the zone of confidence on several occasions.

46. The administration of justice continues to be an issue of deep concern. In the north, justice is often arbitrarily dispensed by a number of Forces nouvelles commanders. Following the attacks at Logoualé, the Forces nouvelles have held 39 elements of MILOCI in incommunicado detention in Korhogo. A further 43 prisoners have been held in incommunicado detention in Bouaké since 28 April. UNOCI has so far been denied access to the detainees.

47. UNOCI has continued to promote dialogue between the Ivorian authorities and Forces nouvelles representatives on human rights issues. In a positive development, the Government of National Reconciliation has resubmitted the law establishing the National Commission for Human Rights to the National Assembly for revision in order to bring it in line with the Paris Principles.

VIII. Promoting peace and peace combating media inciting hatred and violence

48. During the reporting period, the Public Information and Outreach Section of UNOCI has strengthened its capacity to monitor the media, gather information and conduct public information campaigns in both the Government and Forces nouvelles-controlled areas of the country, including through deploying public information officers to Bouaké, Daloa and Man. In collaboration with the civilian police component, the Public Information and Outreach Section has also established a system of information gathering from the field in Korhogo, Bondoukou, San-Pédro, Yamoussoukro and Abengourou.

49. Media coverage of social and political events has continued to reflect broad divisions within Ivorian society. Some media have pursued a campaign against the continued presence of Licorne in the country that has often featured virulent anti-French attacks. A second group of media has advocated the continued presence of the French forces. A number of calls for a resumption of the armed conflict were also made through the media, especially following the Logoualé attack in February.

50. The signing of the Pretoria Agreement contributed to a lessening of inflammatory discourse in the media. However, the determination by President Mbeki that the candidates nominated by the parties signatory to the Linas-Marcoussis Agreement should participate in the presidential elections elicited a new wave of intolerant and divisive coverage by the Ivorian media. There were also incidents of biased and inflammatory reporting following the ethnic clashes in and around Duékoué.

51. The revision of the status of Ivorian Radio and Television referred to in paragraph 17 above has enabled UNOCI to develop closer ties with that organization and the Government's centre for information and communications, with a view to promoting professional ethics among journalists, who have a central role to play in the peace process. The Public Information and Outreach Section of UNOCI is planning training programmes for journalists during the electoral run-up

period with the aim of increasing their awareness of the importance of responsible and professional reporting in an electoral process that is likely to be fraught with tension. UNOCI has also sought to improve the technical capacity of some media that lack resources. In this regard, in April, a community radio station in Tiassale was provided with broadcasting equipment through quick impact project funding.

52. UNOCI FM radio can currently be heard in Abidjan, Bouaké, Daloa and Korhogo. Prior to the elections, the station will broadcast programmes on the electoral process to promote civic education and encourage voter participation.

53. Public information sections in UNOCI, UNMIL, UNAMSIL and the United Nations Office for West Africa are collaborating on issues of mutual concern in the subregion, in particular on cross-border issues related to the arms embargo and the recruitment of mercenaries and children formerly associated with fighting forces.

IX. Humanitarian challenges and economic and social perspectives

Humanitarian situation

54. The humanitarian situation in Côte d'Ivoire has continued to deteriorate, especially in the water, health and education sectors. In rural areas, only 40 per cent of the population has access to traditional wells, the main drinking water source, while most water pumps are in a state of disrepair. In the northern city of Korhogo, the supply reservoir is nearly dry, causing an acute water shortage. Some 30 per cent of the urban population do not have access to clean drinking water, while only 54 per cent have access to proper sewage systems. UNOCI has collaborated with United Nations agencies and ICRC on several projects to increase the number of functioning pumps, particularly in the north, and to establish water purification and distribution systems.

55. Limited access to water, sewage systems and medical services, particularly in the north and the west, has led to a continued rise in diseases and malnutrition. United Nations agencies and national and international partners are working to meet the most urgent health needs of the population. However, urgent steps need to be taken to rehabilitate the basic health infrastructure in order to prevent a further deterioration of the situation in the coming months.

56. In the education sector, the organization of final exams for the 2003/04 school year in the Forces nouvelles-controlled areas and the redeployment of the school administration are priority tasks. In the north, a lack of qualified teachers, school materials and administrative support is a major problem. In the north and west, the United Nations Children's Fund has distributed educational kits to 175,000 children and 3,500 teachers while the World Food Programme has distributed hot rations to 200,000 pupils. The ministries of human rights and education have produced a joint programme for the integration of human rights education into the school curriculum.

57. There are currently an estimated 500,000 internally displaced persons in Côte d'Ivoire. Most are living with host families, who are finding it increasingly difficult to cope with this additional burden. A number of humanitarian agencies, in collaboration with the Ivorian authorities, are developing a registration process for internally displaced persons to improve the system for responding to their assistance

and protection needs and prepare for their eventual return or resettlement. The UNOCI Human Rights Unit is also working with humanitarian organizations to establish a protection monitoring framework.

58. An Inter-Agency Standing Committee assessment mission visited Côte d'Ivoire from 2 to 7 April. The mission highlighted a number of issues requiring the urgent attention of the humanitarian community, including the need to improve the security and protection of populations living in the zone of confidence and to address the volatile situation in the west. In this regard, it noted the urgent need for the reinforcements of UNOCI outlined in my third and fourth reports on UNOCI. The mission also emphasized the need to develop a concerted strategy for restoring health and education services and improving access to water and electricity in the north.

Economic and social situation

59. The gross domestic product of Côte d'Ivoire is officially estimated to have grown by 1.6 per cent in 2004, but due to the crisis of November 2004, economic growth is expected to be lower in 2005. The budget deficit for 2004 stood at an estimated $295 million and the country's total outstanding external debt is estimated at $846 million. The situation has been made worse by a decline in tax revenue of about $67 million, resulting from the negative impact of the November crisis on private sector activity, and an increase in social and military expenditure of about $61 million. Moreover, by the end of March 2005, Côte d'Ivoire had accumulated some $135 million in arrears to the World Bank.

60. Meanwhile, some segments of the economy have registered gains. The production of cocoa, coffee, palm oil and oil and gas increased in 2004. However, if left unchecked, the smuggling of cocoa to neighbouring countries will have a negative effect on the performance of this sector.

61. The deteriorating macroeconomic environment, and the accompanying disruption of economic activity and social services, have led to increased poverty, particularly in the western part of the country. Some 44 per cent of the population now live below the poverty line, as opposed to 38 per cent at the end of 1999. This constitutes a major reversal of progress towards the achievement of the United Nations Millennium Development Goals.

62. The economic impact of the Ivorian crisis has had negative repercussions for the entire West African subregion. The overall economic performance of countries from the West African Monetary Union zone grew by only 2.8 per cent in 2004 against a projected growth rate of 4.1 per cent.

X. Gender

63. During the reporting period, the UNOCI Gender Unit carried out induction training on gender issues for more than 100 military and civilian staff members. The Unit also established a gender sensitization campaign for UNOCI personnel. A gender task force has been formed to ensure gender mainstreaming in the mission's activities. The Unit is working with the National Commission for disarmament, demobilization and reintegration to address issues related to vulnerable groups affected by the conflict. It also liaises regularly with civil society representatives

and has participated in several meetings aimed at increasing women's participation as both candidates and voters in the upcoming elections.

XI. HIV/AIDS

64. The UNOCI HIV/AIDS Unit has continued its awareness campaign for UNOCI personnel. The Unit trained 84 peer educators from UNOCI military contingents. Some UNOCI personnel have also taken advantage of the Unit's voluntary counselling and testing programme.

XII. Sexual exploitation and abuse

65. UNOCI has sought to harmonize initiatives taken in compliance with the Secretary-General's bulletin on special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13). A policy group on sexual exploitation and abuse has been established. It is developing and monitoring the mission's strategy to combat sexual exploitation and abuse, particularly in the area of prevention, and also acts as an advisory group to my Special Representative for Côte d'Ivoire. The visit of the Deputy Secretary-General to Côte d'Ivoire in March gave an important impetus to these efforts. During the period under review, one allegation was received but was found to be unsubstantiated following an investigation.

XIII. Staff security

66. The security situation remains volatile and unpredictable. The involvement of UNOCI in the implementation of the Pretoria Agreement, in particular the disarmament, demobilization and reintegration and electoral processes, and also in the monitoring of the arms embargo, raises concerns regarding the security of UNOCI staff, particularly if disgruntled elements resort to violence to disrupt the peace process.

67. Criminal activities, particularly in Abidjan are a constant threat. Criminality is being fuelled by the circulation in the country of light arms and may have been exacerbated by the large-scale prison escape in Abidjan in November 2004. UNOCI personnel have been victims of armed robbery, burglary and carjackings in recent months. The continued presence of armed militias remains a potential threat to the security of UNOCI personnel and property.

68. UNOCI continues to improve its preparedness by incorporating in its security procedures lessons learned from the November 2004 crisis and from emergency drills and simulated evacuation exercises. The move of Abidjan-based staff into an integrated headquarters, currently scheduled for July, is expected to further contribute to enhancing their safety and security. UNOCI is also working with the United Nations country team to ensure effective operational coordination within the United Nations system in case of emergencies.

XIV. Reinforcements required by the United Nations Operation in Côte d'Ivoire

69. In the coming months, the maintenance of security nationwide will be essential in order for the implementation of the Pretoria Agreement to proceed smoothly. In addition to its ongoing security responsibilities, the demands on UNOCI are likely to increase significantly as the disarmament, demobilization and reintegration process and the electoral preparations proceed. In addition to securing disarmament and demobilization sites, UNOCI and Licorne will also need to take all appropriate steps to ensure the integrity of the zone of confidence and prevent incidents that could jeopardize the disarmament and demobilization process. To this end, enhanced surveillance and reinforcement of the zone of confidence, as well as continued monitoring of the arms embargo, will be required.

70. As indicated above, political violence is expected to increase in the run-up to the elections, particularly as electoral campaigning intensifies across the country. The security situation in the western part of the country, in particular, remains volatile and requires close monitoring. High visibility and a robust approach by the UNOCI force will be critical to maintaining a climate conducive to the completion of the disarmament, demobilization and reintegration process and the holding of free and fair elections.

71. The crisis of November 2004 exposed some critical weaknesses in the mission's force structure and capacity. Therefore, in my third report on UNOCI (S/2004/962), I recommended that the Security Council approve additional military, civilian police and civilian resources, noting that these were indispensable for UNOCI to discharge effectively the multiple responsibilities assigned to it by the Council. I reiterated this recommendation in my fourth report on UNOCI (S/2005/186) since the reinforcements were still urgently required to provide adequate protection to United Nations personnel and facilities, especially in Abidjan, to increase the operational reserve of UNOCI and to restore its capacity in the zone of confidence.

72. In order for UNOCI to fully discharge its mandated responsibilities and to carry out the additional tasks envisaged under the Pretoria Agreement, the emergency reinforcements recommended in my third and fourth reports are still urgently needed. These comprise an additional 1,226 troops, including one infantry battalion (850 personnel), an aviation unit (270 personnel) with four attack and four surveillance helicopters, a riverine unit (30 personnel) and an additional 76 gendarmes for protection of the ministers of the Government of National Reconciliation.

73. In addition, UNOCI would require an additional infantry battalion of 850 military personnel dedicated to securing disarmament, demobilization and cantonment sites and reinforcing the zone of confidence during the disarmament and demobilization phases. Core tasks envisaged for this infantry battalion include the provision of security to groups moving towards disarmament, demobilization and cantonment zones; provision of security for disarmament and demobilization zones, including provision of armed escorts; assistance in the collection, storage and disposal of surrendered weapons, ammunition and explosives; and the conduct of mixed patrols with FANCI and the Forces nouvelles to promote mutual confidence and ensure the integrity of the zone of confidence.

74. Following the completion of the disarmament and demobilization process, these new troops would be redeployed throughout the country to provide support for the elections. Core tasks in this regard would include the provision of area security during all stages of the electoral process, including armed escorts for transportation of election staff and material to and from polling stations; mixed patrols with FANCI to ensure the maintenance of law and order; provision of close protection for candidates during the election campaign; and monitoring of border areas to minimize the scope for disruption of the electoral process by armed elements from across the borders.

75. The timely deployment of these reinforcements will be vital and several force generation options have been considered. One such option is the use of troops from UNAMSIL or UNMIL, in line with the proposals contained in my report on inter-mission cooperation and possible cross-border operations (S/2005/136). However, while I remain fully committed to the principle of greater cooperation among the three United Nations peacekeeping missions deployed in West Africa, the potential costs and benefits of such an approach must be carefully weighed in the light of the current subregional context. With elections in Liberia also scheduled to take place in October, it is my considered view that conditions for such a redeployment of troops from UNMIL do not exist at the present time. Furthermore, assuming that the requisite legal issues are addressed and the agreement of relevant troop-contributing countries is obtained, under the current plans for the drawdown of UNAMSIL, the deployment of a first battalion would not be possible before mid-September, which would not meet the requirements of UNOCI.

76. In line with Security Council resolution 1603 (2005) of 3 June 2005, initial contacts have been made with potential troop-contributing countries regarding the possible contribution of additional troops to UNOCI, pending authorization by the Security Council. It is expected that the first elements of the two additional battalions required could be deployed as early as a month after the adoption of an enabling resolution.

77. As indicated in paragraph 39 above, the UNOCI civilian police component has a crucial role to play in support of the Pretoria Agreement. In order to fulfil these and previously mandated tasks, the civilian police component needs to attain its authorized strength of 350 officers in July, as scheduled. In addition, three formed police units would be required, each composed of 125 officers. One would be deployed in Abidjan while the other two would be deployed in Bouaké and Daloa. The proposed units would be responsible for assisting in the protection of United Nations personnel and facilities; assisting in training and advising the 600 individuals from the Forces nouvelles as well as others from the Ivorian police and gendarmerie in the performance of their functions, particularly crowd control; assisting in the protection and security of disarmament, demobilization and reintegration sites in cases of civil disturbance; and participating in joint patrols with the Ivorian security services in Abidjan.

78. In line with Security Council resolution 1603 (2005) of 3 June 2005, potential police-contributing countries have been approached to ensure the timely provision of personnel, should the proposed reinforcement be authorized by the Council. In this connection, a first formed police unit could be deployed to Abidjan within one month of the adoption of the enabling resolution.

XV. Financial aspects

79. The General Assembly, by its resolution 59/16 of 29 October 2004, appropriated $378.5 million for the maintenance of UNOCI for the period from 1 July 2004 to 30 June 2005. Following its consideration of my proposed budget, the Assembly is expected to take action shortly on the appropriation of some $367.5 million for the maintenance of the mission for the period from 1 July 2005 to 30 June 2006.

80. Should the Security Council approve my recommendations with respect to the reinforcement of UNOCI, the additional resources for the operation of the mission will be sought from the General Assembly during the main part of its sixtieth session. As indicated in the addendum to the present report, describing financial implications arising from the proposed reinforcement, it is my intention to cover the immediate costs of the reinforcement, should the Council approve it, from the initial appropriation to be provided by the General Assembly for the 2005/06 financial period.

81. As at 31 May 2005, unpaid assessed contributions to the special account for UNOCI amounted to $95.8 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,028.0 million.

XVI. Observations

82. The signing of the Pretoria Agreement on 6 April opened a new opportunity for progress in the peace process in Côte d'Ivoire, in line with the Linas-Marcoussis and Accra III Agreements. I would like to reiterate my deep appreciation to the President of South Africa, Thabo Mbeki, in his capacity as the African Union mediator, for his personal commitment and untiring efforts towards resolving the crisis. Some progress has been made towards implementation of the Agreement. Notably, the resolution of the issue of eligibility to the presidency has removed a major obstacle to the holding of open and credible elections. The agreement reached by the parties on the timing and modalities of the national disarmament, demobilization and reintegration programme, according to which the disarmament and demobilization phases are now scheduled to take place from 27 June to 10 August, and the planned restructuring of the armed forces, were also positive steps. In addition, the removal by FANCI and the Forces nouvelles of their heavy weapons from the zone of confidence and the approval and implementation of the provisions regarding the statute and management of Ivorian Radio and Television were also encouraging developments.

83. However, there have been protracted and dangerous delays in the implementation of other key provisions of the Pretoria Agreement. The full integrity of the Government of National Reconciliation has yet to be restored. Meanwhile, time is swiftly running out for the organization of the first round of the presidential elections, currently scheduled for 30 October. In this connection, the approval by the National Assembly of the revised law on the composition of the supervisory institution, the Independent Electoral Commission, and the establishment of the reconstituted Commission need in particular to be urgently completed. The holding of free and fair elections is vital to restoring democratic order in Côte d'Ivoire. As noted above, the United Nations will assist the process through the provision of

technical support. I also intend to appoint shortly a High Representative for the elections, who will play a key role in ensuring the credibility of the electoral process.

84. Meanwhile, the parties should take all necessary steps to ensure that the disarmament and demobilization process commences as scheduled. Progress in this area is essential and urgently needed in order to create an environment conducive for the elections and the restoration of State administration countrywide. I urge FANCI and the Forces nouvelles to provide a comprehensive list of their armaments to UNOCI without further delay for use in the disarmament process and in the monitoring of the arms embargo. Meanwhile, the continuing activities of militias pose a dangerous threat to security and their disarming and dismantling should proceed without delay. UNOCI will provide appropriate assistance to Prime Minister Diarra in undertaking the responsibilities entrusted to him for this process under the Pretoria Agreement.

85. The delays in implementation of the Agreement are contributing to a growing lack of public confidence in the peace process. Meanwhile, the security situation, particularly in the west, remains very difficult with the potential for the occurrence of increasingly virulent communal clashes in the future. The economy is suffering a downward spiral which fuels political tensions and deteriorating social conditions, leading to an increasingly worrying humanitarian situation. Meanwhile, widespread human rights abuses are continuing in the north and south of the country, with few steps being taken to combat the prevailing climate of impunity. The uncertainty regarding the peace process is having grave repercussions for stability and economic recovery in Côte d'Ivoire and also for the wider West Africa subregion.

86. The urgency of proceeding with the full and unconditional implementation of the Pretoria Agreement cannot be overemphasized. The Ivorian parties cannot afford to miss this window of opportunity for restoring peace. I would therefore urge President Gbagbo, the Forces nouvelles and the leaders of all Ivorian political movements to expeditiously fulfil their commitments and build on the progress that has been made so far. In the final analysis, the Ivorian leaders bear full, personal responsibility for making the sometimes difficult decisions and compromises needed to ensure the peaceful resolution of the crisis. Those who might choose to shirk this responsibility should expect the international community to take firm action and bring into force the individual measures envisaged in Security Council resolution 1572 (2004) of 15 November 2004, which remain an essential part of the international strategy to support the peace process. I urge the Council to assess regularly the effect of resolution 1572 (2004) on the ground.

87. Meanwhile, the full engagement of the international community in support of the implementation of the Pretoria Agreement and the mediation efforts of President Mbeki, in particular through the provision of necessary technical and financial assistance, will be critical. The United Nations, for its part, will continue to work closely with the African Union, ECOWAS and other key partners in support of the implementation of the key provisions of the Agreement. I would urge donor countries to give urgent consideration to the provision of much-needed resources, in particular technical and financial assistance for the disarmament, demobilization and reintegration and electoral processes and also for the restoration of State authority.

88. As indicated in paragraphs 69 to 78 above, UNOCI needs to be urgently reinforced so that it has the capacity to effectively carry out its mandated responsibilities, as well as those tasks envisaged for it under the Pretoria Agreement. The recent killings in the Duékoué area further underscore the need to reinforce UNOCI urgently so that it can effectively assist the Ivorian authorities in preventing a further deterioration of the situation in the west. I would therefore request that the Security Council authorize the deployment of an additional 2,076 troops and three formed police units comprising 375 officers to assist in the provision of security and the maintenance of law and order during the disarmament, demobilization and reintegration and electoral processes, along with a limited reinforcement in the civilian component of the mission.

89. Finally, it should be recalled that implementation of the Pretoria Agreement must go hand-in-hand with efforts to promote national reconciliation, address the prevailing culture of impunity, meet the social needs of the population and support the process of long-term economic recovery in Côte d'Ivoire. I therefore urge the international donor community to remain fully engaged and ensure that funds are also made available for these key areas.

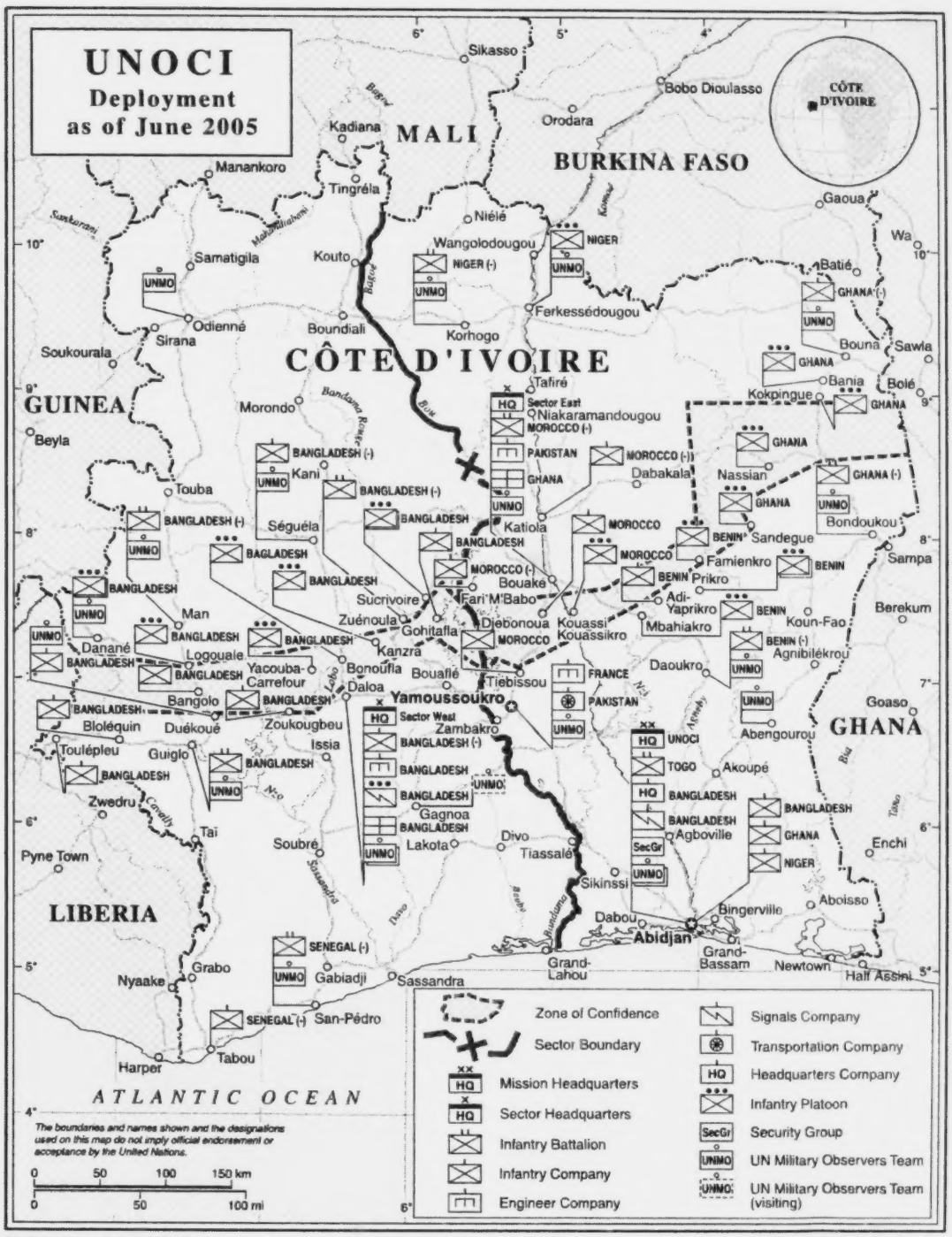
90. In conclusion, I would like to commend my new Special Representative in Côte d'Ivoire, Pierre Schori, who began his assignment on 1 April 2005, and the civilian and military staff of UNOCI for their unsparing efforts in support of the search for lasting peace in Côte d'Ivoire. Similarly, I would like to express my gratitude to the United Nations country team, humanitarian and development organizations, bilateral donors and the countries that are contributing troops and police personnel to the mission, as well as to the African Union and ECOWAS, for their contributions to the peace process.

Annex

United Nations Operation in Côte d'Ivoire: military and civilian police strength as of 13 June 2005

Country	Military observers	Military component			Civilian police
		Staff officers	Troops	Total	
Argentina					3
Bangladesh	10	8	2 823	2 841	1
Benin	8	4	305	317	16
Bolivia	3			3	
Brazil	4	3		7	
Burkina Faso		1		1	
Cameroon					48
Canada					10
Chad	3			3	3
China	7			7	
Congo	6			6	
Croatia	3			3	
Djibouti					24
Dominican Republic	4			4	
Ecuador	2			2	
El Salvador	3			3	
France	2	16	171	189	10
Gambia	5	1		6	
Ghana	6	5	396	407	1
Guatemala	5			5	
Guinea	3			3	
India	8			8	
Ireland	1			1	
Jordan	7	10		17	
Kenya	4	4		8	
Lebanon					2
Morocco	1	3	731	735	
Namibia	3			3	
Nepal	3			3	
Niger	6	3	366	375	23
Nigeria	5			5	3
Pakistan	10	9	364	383	
Paraguay	9	2		11	
Peru	3			3	
Philippines	4	1		5	

Country	Military component				
	Military observers	*Staff officers*	*Troops*	*Total*	*Civilian police*
Poland	2			2	
Portugal					2
Republic of Moldova	4			4	
Romania	6			6	
Russian Federation	11			11	
Senegal	8	11	314	333	50
Serbia and Montenegro	3			3	
Sri Lanka					1
Togo	6	4	292	302	1
Tunisia	3			3	
Turkey					9
Uganda	2	2		4	
Uruguay	2	1		3	11
Yemen	5			5	
Zambia	2			2	
Total	**192**	**88**	**5 762**	**6 042**	**218**


UNOCI
Deployment
as of June 2005
MALI
BURKINA FASO
CÔTE D'IVOIRE
GUINEA
LIBERIA
GHANA
ATLANTIC OCEAN
Sikasso
Bobo Dioulasso
Orodara
Kadiana
Manankoro
Tingréla
Gaoua
Niélé
Wangolodougou
Samatigila
Kouto
Batié
Odienné
Sirana
Boundiali
Korhogo
Ferkessédougou
Soukourala
Bouna
Sawla
Tafiré
Bania
Bolé
Kokpingue
Morondo
Niakaramandougou
Beyla
Touba
Kani
Séguéla
Katiola
Dabakala
Nassian
Bondoukou
Sandegue
Sampa
Famienkro
Prikro
Adi-Yaprikro
Mbahiakro
Sucrivoire
Man
Zuénoula
Gohitafla
Diebonoua
Kouassi Kouassikro
Berekum
Koun-Fao
Danané
Logouale
Kanzra
Bonoufla
Bouaflé
Tiebissou
Daoukro
Agnibilékrou
Yacouba-Carrefour
Daloa
Yamoussoukro
Bangolo
Goaso
Bloléquin
Duékoué
Zoukougbeu
Zambakro
Abengourou
Toulépleu
Guiglo
Issia
Akoupé
Zwedru
Gagnoa
Taï
Soubré
Divo
Tiassalé
Enchi
Pyne Town
Lakota
Agboville
Sikinssi
Aboisso
Bingerville
Dabou
Abidjan
Grand-Bassam
Grand-Lahou
Newtown
Half Assini
Nyaake
Grabo
Gabiadji
Sassandra
San-Pédro
Harper
Tabou
Zone of Confidence
Sector Boundary
Mission Headquarters
Sector Headquarters
Infantry Battalion
Infantry Company
Engineer Company
Signals Company
Transportation Company
Headquarters Company
Infantry Platoon
Security Group
UN Military Observers Team
UN Military Observers Team (visiting)
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
0 50 100 150 km
0 50 100 mi
Map No. 4220 Rev. 4 UNITED NATIONS
June 2005
Department of Peacekeeping Operations
Cartographic Section

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Security Council

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Fifth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire

Addendum

1. The General Assembly, by its resolution 59/16 of 29 October 2004, appropriated the amount of $378.5 million for the maintenance of the United Nations Operation in Côte d'Ivoire (UNOCI) for the period from 1 July 2004 to 30 June 2005. Following its consideration of my proposed budget for UNOCI for the period from 1 July 2005 to 30 June 2006 (A/59/750), the Assembly is expected to take action shortly on the appropriation of some $367.5 million for the maintenance of the Operation for that period. The resources approved by the General Assembly for the 2004/05 financial period under the terms of its resolution 59/16 and my proposed budget for the 2005/06 period are based on the strength of 200 military observers, 6,040 contingent personnel and 350 civilian police personnel authorized by the Security Council in its resolution 1528 (2004) of 27 February 2004.

2. The financial implications of the reinforcement of the Operation with an additional 2,076 military personnel, comprising two infantry battalions of 850 personnel each, an aviation unit with eight attack and surveillance helicopters supported by 270 personnel, a riverine unit of 30 personnel, 76 personnel for the gendarme unit and three formed police units of 125 officers each, are currently estimated for a nine-month period at some $86.1 million, inclusive of the cost of 121 additional electoral, security and administrative civilian personnel (27 international and 68 national staff and 26 United Nations Volunteers).

3. Should the Security Council approve my recommendation as to the reinforcement of UNOCI, the additional resources for the operation of the mission will be sought from the General Assembly during the main part of its sixtieth session. In the interim, it is my intention to cover the immediate costs in connection with the deployment of additional military and formed police unit personnel, should the Council so decide, from within the initial appropriation to be approved by the Assembly for the maintenance of UNOCI for the 2005/06 period.

4. An indicative breakdown of the financial implications arising from the proposed reinforcement of UNOCI by main categories of expenditure is provided, for information purposes, in the annex to the present report.

05-38920 (E) 220605

Annex

Cost estimates of the proposed reinforcement of the United Nations Operation in Côte d'Ivoire for a nine-month period

(Thousands of United States dollars)

Category	*Cost estimates*
Military and police personnel	
Military observers	—
Military contingents	42 701
Civilian police	—
Formed police units	7 704
Subtotal	**50 405**
Civilian personnel	
International staff	2 674
National staff	1 089
United Nations Volunteers	729
Subtotal	**4 492**
Operational costs	
General temporary assistance	—
Government-provided personnel	—
Civilian electoral observers	—
Consultants	—
Official travel	—
Facilities and infrastructure	13 653
Ground transportation	1 626
Air transportation	5 903
Naval transportation	33
Communications	3 052
Information technology	1 117
Medical	1 247
Special equipment	1 422
Miscellaneous supplies, services and equipment	3 108
Quick-impact projects	—
Subtotal	**31 161**
Gross requirements	**86 058**
Staff assessment income	462
Net requirements	**85 596**
Voluntary contributions in kind (budgeted)	—
Total resource requirements	**86 058**

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Security Council

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Letter dated 20 June 2005 from the Permanent Representative of Benin to the United Nations addressed to the President of the Security Council

I have the honour to attach herewith the assessment of the work of the Security Council during the month of February 2005, under the presidency of Benin (see annex). The assessment was prepared under my responsibility, in consultation with other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Joël W. **Adechi**

05-38390 (E) 300605

Annex to the letter dated 20 June 2005 from the Permanent Representative of Benin to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of the Republic of Benin (February 2005)

Introduction

During the month of February 2005, the presidency of the Security Council was held by Benin, represented by Rogatien Biaou, Minister for Foreign Affairs and African Integration, and by Joël Wassi Adechi, Permanent Representative to the United Nations. Under their presidency the Council completed a programme of work consisting mainly of public meetings, including one high-level public meeting with the participation of Ali Othman Taha, Vice-President of the Sudan, and of John Garang, Chairman of the Sudan People's Liberation Movement/Army, as well as a formal meeting devoted to the election of a judge of the International Court of Justice. The Council held 11 public meetings including two open debates and eight informal consultations.

The Council was seized with 10 reports, including the report of the Secretary-General on the Naivasha peace process containing proposals for the establishment of a peacekeeping operation in support of the implementation of the Comprehensive Peace Agreement signed by the Sudanese parties in the north-south peace negotiations under the auspices of the Intergovernmental Authority on Development (IGAD), the reports of the Secretary-General on small arms, on children and armed conflict and on cross-border issues in West Africa and the report of the International Commission of Inquiry on Darfur.

The Council adopted one resolution on the situation in Côte d'Ivoire and six presidential statements, respectively on the situation in the Middle East, on small arms, on Iraq and Kuwait, on children and armed conflict and on cross-border issues in West Africa.

Africa

Côte d'Ivoire

On 1 February, the Security Council adopted resolution 1584 (2005) on the United Nations Operation in Côte d'Ivoire (UNOCI) by which it authorized the Operation and the French forces which support it, within their capacity and without prejudice to their mandate set out in resolution 1528 (2004), to monitor the implementation of the measures of the arms embargo imposed on Côte d'Ivoire by resolution 1572 (2004). The Secretary-General was requested to create within 30 days and for a period of six months a group of experts consisting of no more than three members to analyse information gathered in the process of monitoring the measures and make recommendations on ways to improve their implementation. The resolution called upon the Ivorian parties to cooperate with UNOCI in establishing within 45 days a comprehensive list of armaments in the possession of their armed forces and of paramilitary troops and militias associated with them.

Sudan

The situation in the Sudan was examined on 4, 8 and 16 February.

On 4 February, the Security Council held an open briefing followed by informal consultations on the report of the Secretary-General on the Naivasha peace process (S/2005/57). The report was issued on 31 January at the request of the Security Council to the Secretary-General to submit as soon as possible after the signing of the Comprehensive Peace Agreement recommendations on the size, structure and mandate of a United Nations operation that would be established in support of the implementation of the Agreement. In this framework, the Council was briefed by Jan Pronk, Special Representative of the Secretary-General and head of the United Nations Advance Mission in the Sudan. He emphasized the following points: the Sudanese parties should be congratulated for the wisdom and the statesmanship they displayed in reaching the Agreement and on succeeding in bringing the talks to a close by the end of the year in accordance with the commitment they gave at the meeting of the Security Council in Nairobi in November 2004. With the initialling of the agreements on 31 December 2004 and the signature of the Peace Agreement on 9 January 2005, the parties started the clock running on a demanding timetable that laid out the road map to the implementation of the Agreement according to a number of fixed milestones. The United Nations could not afford to lose any time in taking important decisions on implementation because pending and foreseeable problems were bound to increase if there was delay or disappointment in slow implementation.

During the consultations, Council members reached consensus on the principle of deploying a multidimensional United Nations mission to the Sudan, as recommended by the Secretary-General, and stressed the need to devise its mandate as a long-term operation.

On 8 February, the Council held a public meeting in the presence of the Secretary-General of the United Nations, the Vice-President of the Sudan, Ali Othman Taha, the Chairman of the Sudan People's Liberation Movement/Army, John Garang, as well as the Special Representative of the Chairperson of the Commission of the African Union in the Sudan, Baba Gana Kingibe.

The purpose of this high-level meeting was to give the Sudanese parties the opportunity to express their views before the Council considered the important decisions ahead concerning the north-south peace process and the situation in Darfur. On this occasion the President of the Security Council made on behalf of its members a statement stressing their commitment to the sovereignty, unity, independence and territorial integrity of the Sudan and their readiness to work on a resolution taking into account all aspects of the situation in the Sudan, including the deployment of a peace support operation, fully aware of the great responsibility the international community must assume in helping the Sudanese parties remain on the path they had chosen.

The President urged all parties to cooperate fully with the African Union mission and Vice-President Taha, appointed by the Government of the Sudan as the leader of its negotiating team in Abuja, to assume that responsibility with the same determination that he demonstrated during the north-south negotiations, and called on John Garang to use all of his influence in Darfur to ensure speedy progress in the Abuja talks.

Vice-President Taha stressed that the Comprehensive Peace Agreement addressed all aspects of the situation for the whole Sudan. The just and fair provisions agreed for powersharing and wealth-sharing had laid the necessary foundation for a comprehensive peace to prevail throughout the Sudan. He also explained its vision for speedy negotiations to put a swift end to the suffering of the people of Darfur. He called for increased international support for the Government's relief efforts, for enhancement of the authority, capacity and forces of the African Union, for effective disarmament programmes to be undertaken immediately as soon as the ceasefire is respected and for investigation of human rights violations and other crimes in Darfur.

The Chairman of the Sudan People's Liberation Movement/Army, John Garang de Mabior, made a statement which highlighted the following main ideas. The Comprehensive Peace Agreement ushered in a new era in the history of the Sudan, the region and Africa. The Peace Agreement established a one-country/two-systems model for a six-year interim period. At the end of this period the south would exercise its right to self-determination. The Peace Agreement would enhance the chances of a peaceful resolution in Darfur and eastern Sudan. The SPLM/A stood ready to offer its help so that a comprehensive peace agreement could be achieved for the whole Sudan. The linkage seen between the implementation of the North-South Peace Agreement and the resolution of the conflict in Darfur was irrelevant and counterproductive. It would lead to a scenario of a failed State in the Sudan, the scenario which the signing of the Peace Agreement was designed to avoid.

The Special Representative of the Secretary-General and Head of the United Nations Advance Mission, Jan Pronk, introduced the second report of the Secretary-General (S/2005/68) issued on 4 February on the situation in Darfur pursuant to resolution 1556 (2004). He depicted the dire humanitarian crisis prevailing in Darfur and the reasons for the persisting stalemate observed on the ground. He reiterated his proposals to render the talks more effective by delinking the security talks from political ones and by strengthening the powers of the ceasefire institutions. He commended the peace support force deployed by the African Union in Darfur. He called for an increase of its troops, as a third party force, and for close cooperation between the United Nations and the African Union.

The Special Representative of the Chairperson of the Commission of the African Union, Baba Gana Kingibe, welcomed the comprehensive proposals for the deployment of a United Nations peace support operation in the Sudan and proposed a united, unified approach. Mr. Kingibe stressed that the African Union was making every effort to accelerate the current programme of full deployment of the total strength of 3,320 troops by the middle of April 2005. He pointed out that the international community risked allowing the guilty to escape punishment simply because there was no consensus on the appropriate forum in which to prosecute the crimes.

On 16 February, the Council held an open briefing followed by closed consultations on the report of the International Commission of Inquiry on Darfur, established under its resolution 1564 (2004). The Secretary-General highlighted the findings of the Commission which recommended that the Security Council immediately refer the situation of Darfur to the International Criminal Court to ensure that those responsible for the heinous crimes were held accountable. He

urged the international community to find ways to halt the killing and protect the vulnerable.

The report of the Commission was introduced by the United Nations High Commissioner for Human Rights, Louise Arbour. She confirmed the findings of the International Commission of Inquiry, mainly that large-scale war crimes and crimes against humanity had been committed by Sudanese Government officials and by Janjaweed militias. She stated that there was evidence that war crimes and atrocities might have occurred, although there was no finding of a policy of genocide. A competent court should determine whether individuals ordered or participated in atrocities motivated by the genocidal intent to exterminate a protected group. She also stressed the view of the Commission that the referral to the International Criminal Court was the only credible way in which to bring alleged perpetrators to justice, and that it advised against other measures. Ms. Arbour concluded that the findings of the Commission irrefutably demonstrated that there was no hope for sustainable peace in Darfur without immediate access to justice and that it was imperative to rehabilitate Sudanese justice.

During the consultations, Council members examined ways and means to end impunity in Darfur. Most delegations endorsed the proposal to create a compensation committee in favour of the victims.

Cross-border issues in West Africa

The Council examined, under the presidency of the Minister for Foreign Affairs and African Integration of Benin, the progress report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa (S/2005/86), issued on 11 February. The meeting was held in the presence of the Secretary-General of the United Nations and of his Special Representative and Head of the United Nations Office for West Africa, Ahmedou Ould Abdallah, and the Special Adviser to the Executive Secretary of the Economic Community of West African States (ECOWAS), Ibrahima Diouf.

The Secretary-General made a contribution to the debate stressing his serious concern about the perpetuation and proliferation of conflict situations in West Africa, the grave security challenges, namely in volatile border areas, shocking levels of youth unemployment, requiring immediate and long-term action, taking into account the recommendations made in the progress reports which are directed to a wide range of players. He welcomed the constructive partnership that has emerged among ECOWAS, the United Nations and other actors, and renewed his commitment to working closely with the Security Council and others to improve the living conditions throughout the region.

Mr. Abdallah identified the institutional, methodological and doctrinal challenges on which his office focuses its action. Mr. Diouf highlighted three main strategic approaches to implement the instruments established by ECOWAS to prevent and combat cross-border problems. He stressed the importance attached to prevention as a major way to combat cross-border problems.

Besides Council members, eight non-Council members took part in the debate. The speakers suggested priorities for addressing cross-border problems substantially. They underlined the need to focus on combating the dissemination of small arms, reinforcing disarmament, demobilization and reintegration programmes,

and on the relevance to West Africa of the peacebuilding commission. They raised the question as to when the situation and the developments in a given country actually justified the involvement of the Security Council. They advocated closer cooperation between the United Nations and the regional and subregional organizations, the creation of job opportunities for a successful reintegration of former combatants, the reform of the security sector and the implementation of sanctions regimes in a regional approach.

At the end of the meeting the President read a presidential statement (S/PRST/2005/9) dated 25 February, in which the Council reiterated the need for a wider strategy of conflict prevention, crisis management and peacebuilding in the subregion, and called on Member States and key international partners to explore practical ways of assisting ECOWAS in enhancing its capacities in the areas of conflict prevention, peacemaking and peacekeeping. The Council recalled the African Union position on unconstitutional changes of Government and stressed the need to pay special attention to critical issues that had a direct bearing on efforts to enhance peace, stability and democratic governance in West Africa, such as security sector reform, challenges arising from volatile border areas and illicit cross-border activities, and to strengthen the capacities of the civil society groups working to promote a cross-border culture of non-violence and peace. The Council requested the Secretary-General to include in his next progress report practical recommendations on how best to tackle the problems of youth unemployment.

Democratic Republic of the Congo/MONUC

On 9 February, the Secretary-General sent a letter to the President of the Security Council about the response to allegations of sexual exploitation and abuse in the Congo, with the request to bring the information to the attention of the members of the Security Council. The Secretary-General renewed his personal outrage at the revelation of sexual exploitation and abuse of Congolese children and women by some United Nations personnel assigned to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). He outlined the basic policy of zero tolerance of sexual exploitation and abuse set out in the Staff Rules and Regulations and reinforced by administrative instructions, including his bulletin (ST/SGB/2003/13) entitled "Special measures for protection from sexual exploitation and sexual abuse". He presented the measures taken to investigate and to follow up the allegations registered, and urged Council members to assist in strengthening the capacity of MONUC to conduct self-monitoring and enforcement programmes.

On 28 February, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, during informal consultations held on the killings of nine United Nations peacekeepers from Bangladesh on 25 February, during an ambush by militia groups near Kafé in the Democratic Republic of the Congo. The assassination of the peacekeepers took place in a context of deterioration of the security situation in eastern Ituri, characterized by attacks by militia groups against civilians and incidents due to the aggressive attitude of some militia groups against MONUC.

Ethiopia and Eritrea

On 15 February, the Security Council was briefed at informal consultations on the situation between Ethiopia and Eritrea by Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations. The reorganization of Ethiopian armed forces along the boundary with Eritrea was the main issue addressed.

Middle East

The Israeli-Palestinian Summit in Sharm el-Sheikh

The Security Council adopted a presidential statement (S/PRST/2005/6) dated 16 February in which it welcomed the Summit, held in Sharm el-Sheikh (Egypt) on 8 February, and the resumption of direct talks between the Prime Minister of Israel Ariel Sharon, and the President of the Palestinian Authority, Mahmoud Abbas. The Council called for the full respect by the parties of their commitments that all Palestinians would stop all acts of violence against all Israelis everywhere and that Israel would cease all its military activities against all Palestinians everywhere.

The Council recognized these understandings, along with other recent positive developments, as primary steps towards restoring confidence between the two parties, enhancing a new spirit of cooperation and promoting an atmosphere conducive to the establishment of peaceful coexistence in the region.

The Council also expressed its appreciation to President Hosni Mubarak of Egypt for the invitation to both parties to the Summit and to King Abdullah Bin Al Hussein of Jordan for his participation and welcomed the initiative of the Government of the United Kingdom of Great Britain and Northern Ireland in convening an international meeting in London, on 1 March, to support Palestinian efforts to prepare the ground for a viable Palestinian State.

The assassination of the former Prime Minister of Lebanon

On 15 February, the Secretary-General and the Under-Secretary-General for Political Affairs briefed the Council on the terrorist bombing in Beirut on 14 February that killed the former Prime Minister of Lebanon, Rafik Hariri, and others. The Security Council adopted a presidential statement (S/PRST/2005/4) dated 15 February in which it condemned the act and called on the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of the bombing.

The Security Council underlined that such a terrorist act should jeopardize neither the holding of the upcoming parliamentary elections under transparent, free and democratic conditions nor the full implementation of all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.

The Security Council requested the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of this terrorist act. On 18 February, the Secretary-General informed the members of the Security Council about his decision to send a team to Beirut led by Peter FitzGerald (Ireland) to examine available evidence and conduct investigations regarding the assassination of former Prime Minister Hariri.

The situation between Iraq and Kuwait

On 16 February, the Security Council held a public meeting to hear a briefing by the Under-Secretary-General for Political Affairs, Kieran Prendergast, and the statement made by Mr. Sumaida'ie, Representative of Iraq, on the holding of three elections in Iraq on 30 January, for the Transitional National Assembly, 18 governorate councils and the Kurdistan National Assembly. Those elections were a first step on the path in Iraq's transition to democracy, as outlined in Security Council resolution 1546 (2004). Iraqis turned out despite many difficulties and attempts at violent disruption. The elections met recognized standards. Mr. Prendergast indicated that the overall level of participation showed the commitment of Iraqi people to the political transition process, although regional variations were significant. The key challenges for Iraq now were to form a new government and to draft a new constitution. It was important for the transitional government to find ways to improve the daily living conditions of Iraqis, by stepping up reconstruction, development and humanitarian activities.

The representative of Iraq hailed the success of the Independent Electoral Commission of Iraq and the Iraqi interim Government in organizing the elections and saluted the courage of those who contributed to such success. He expressed his appreciation for the active and supportive role of the multinational force, the United Nations Electoral Assistance Division, the United Nations agencies, and for the generous contributions of donor States. He acknowledged that there were some minor problems with the electoral process, but said they did not diminish the magnitude of the accomplishment. He expressed the hope that this achievement would be consolidated by the rapid removal of punitive measures and restrictions that were imposed on Iraq by the international community because of the reckless policies of the previous regime.

After the meeting Council members held informal consultations that successfully concluded with the adoption of a presidential. statement (S/PRST/2005/5). The Security Council congratulated the people of Iraq on the successful elections of 30 January, and the historic moment for Iraq.

The Security Council appreciated the assistance given by the United Nations and other international actors, including European Union electoral experts. Recalling the important step remaining in the transition, the Security Council affirmed its continuing support for the Iraqi people and reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq. It stressed:

(a) The need for sustained political efforts aimed at making the next steps of the transition, in particular the coming constitutional process, as inclusive, participatory and transparent as possible;

(b) The need for the Transitional National Assembly of Iraq to reach out broadly to all segments of Iraqi society, with a view to promote genuine political dialogue and national reconciliation and to ensure that all Iraqis were duly represented and had a voice in the political process and the drafting of the Iraqi Constitution;

(c) The importance of Iraq's neighbouring countries and regional organizations in supporting the political process, cooperating with the Iraqi authorities to control transit across Iraq's borders and extending other support for the people of Iraq in their efforts to achieve security and prosperity.

The Security Council reaffirmed its support for a federal, democratic, pluralist and unified Iraq, in which there is full respect for human rights.

The monthly meeting of the Council on the situation in the Middle East

The Security Council held its monthly open briefing followed by informal consultations on the situation in the Middle East on 22 February. In his presentation, Kieran Prendergast, Under-Secretary-General for Political Affairs, emphasized that the summit meeting in Sharm el-Sheikh had generated hope for progress towards peace between Israel and Palestinians. He said that the commitment of the parties to implement the understandings reached, and especially the announcement by the Government of Israel of its decision to release 900 prisoners and to withdraw from five West Bank cities, to halt punitive house demolitions, to reopen three crossing points into Gaza and steps taken by the Palestinian side to end violence would all contribute to the momentum. He said that strong support, both from Israel and from the international community, could be helpful for the President of the Palestinian Authority to prevail against those who favour violence.

He also noted that the London Conference to be hosted by the Government of the United Kingdom was intended to assess suitable mechanisms to help the Palestinians lay the groundwork for an independent State, and to offer an opportunity to provide the urgently needed funds for short-term assistance to ensure the financial stability of the Palestinian Authority.

At informal consultations Council members concurred with the analysis made during the open briefing. They welcomed the positive developments in the Israeli-Palestinian peace process and the decision of the Secretary-General to send to Lebanon a fact-finding team for the preparation of the report on the assassination of the former Prime Minister Hariri, as requested by the Security Council.

Europe

Kosovo

On 24 February, the Security Council held a public meeting to examine the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2005/88) in the presence of Nebojša Čović, President of the Coordination Centre of Serbia and Montenegro and of the Republic of Serbia for Kosovo and Metohija.

The report was introduced by Søren Jessen-Petersen, Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo. While presenting the conclusions of the technical assessment of the implementation of the standards, Mr. Jessen-Petersen highlighted the progress made and the challenges ahead, especially concerning security, institution-building, the accelerated transfer of competences to the Provisional Institutions, decentralization, the guarantee of the rights and freedom of movement of the minorities and the resumption of direct dialogue with Belgrade and the continuation of the regional dialogue with Tirana, Skopje and Podgorica. He recalled that a comprehensive review of standards was planned to take place in mid-2005, and should the review conclude that sufficient progress had been made, the international community should be prepared to embark on the process leading to talks on the

status of Kosovo. He stressed that there was agreement on the way forward to ensure, in the year 2005, peaceful coexistence and mutual tolerance among communities in a multi-ethnic, stable, tolerant and democratic Kosovo, at peace at home and at peace with its neighbours.

Mr. Čović deplored the situation of Kosovo Serbs in the province which he considered unacceptably poor due to the lack of protection of non-Albanian communities. He held any decision to open the question of the future status of Kosovo in these conditions to be inappropriate and stressed the need for the implementation of key provisions of resolution 1244 (1999). He considered decentralization as a crucial issue of security and the institutional transformation of Kosovo and Metohija.

The Council members shared the Secretary-General's assessment of the situation in Kosovo. They called for a full commitment of the Provisional Institutions of Self-Government to the Standards Implementation Plan to achieve concrete results by ensuring full participation of all Kosovo communities. There should not be any automaticity as to the start of talks on the final status. The members shared a strong sense of optimism and urged the Secretary-General and the Special Representative to stay the course and to keep pace in carrying out the comprehensive international strategy for concrete results, with the Security Council remaining in the lead. Many delegations spoke in favour of the suggested mission of the Security Council in Kosovo.

Asia

Timor-Leste

On 28 February, the Security Council examined the report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2005/99) issued on 18 February. While briefing the Council, Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor (UNMISET), underscored the positive developments, such as the holding of the first elections since independence, the strengthening of relations with neighbouring countries, the approval of laws on foreign and domestic investments and the promulgation of the organic law of the Superior Council for Defence and Security, together with the organic law of the Council of State. Among the challenges facing the country, he mentioned the lack of training of the Border Police Unit, ongoing land-border demarcation negotiations, problems with corruption and the need to establish a culture of transparency and accountability.

Mr. Hasegawa suggested the retention of the 45 most critical international advisers after the expiration of the UNMISET mandate. He commented on the problem of the prosecution of serious crimes involving 340 indicted people remaining abroad and welcomed the establishment by the Secretary-General of a Commission of Experts to assess the outcome of the two judicial processes in Jakarta and Dili, as well as to consider ways in which its analysis could be of assistance to the Truth and Friendship Commission, which Indonesia and Timor-Leste have agreed to establish. By his letter dated 24 February (S/2005/104), the Secretary-General informed the Council of the appointment of the following experts

to the Commission: Prafullachandra Bhagwati (India), Yozo Yokota (Japan) and Shaista Shameem (Fiji).

The Senior Minister and Minister for Foreign Affairs and Cooperation of Timor-Leste, José Ramos-Horta, expressed his disagreement with the reduced figures being proposed for continued assistance from the United Nations. He appealed for a final extension of the mandate of UNMISET. He also briefed the Council on the joint efforts made with Indonesia to resolve some of the pending issues and on the Truth and Friendship Commission, emphasizing that the Commission would deal with the events of the past.

Council members as well as speakers from the wider United Nations membership commended the political wisdom and strategic vision of the Government and the people of Timor-Leste for their determination to solve outstanding issues. They recognized that assistance through a continued United Nations presence was needed to strengthen the foundations for stability in the country after the expiration of the mandate of UNMISET. Some Council members stressed that the time had come for Timor-Leste to take increasing responsibility for the nation's future with the assistance of the international community.

Thematic debates

Small arms

On 17 February, the Security Council held an open debate on the report of the Secretary-General on small arms (S/2005/69) dated 7 February. Thirty-seven speakers took the floor, including Yoriko Kawaguchi, Special Assistant to the Prime Minister in charge of Foreign Affairs and former Minister for Foreign Affairs of Japan.

In introducing the report, Nobuyasu Abe, Under-Secretary-General for Disarmament Affairs, stressed the progress achieved in some key areas in the implementation of the recommendations made by the Secretary-General in his previous report on ways and means to cope with the question of the illicit trade in small arms and light weapons. Mr. Abe indicated that more needed to be done in a number of areas, namely, the links between illicit small arms and light weapons and the illicit exploitation of natural and other resources, greater support for the reintegration of former combatants into their communities, greater interaction between the Security Council and General Assembly on the issue and support for the establishment of the small arms advisory service. He called for a consensus on various substantive issues pending in the process of negotiating the draft international instrument to enable States to identify and trace illicit small arms and light weapons.

During the debate Council members and representatives of Member States reaffirmed their commitment to cooperate with the United Nations in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted in 2001. They stressed the need to mitigate the threat posed by the proliferation of man-portable air defence systems (MANPAD) to undesirable end-users. They called for:

(a) Effective export, import and transfer controls and their enforcement as the keystone to any successful efforts to mitigate the problems of illicit trade in small arms and light weapons;

(b) Effective disarmament, demobilization and reintegration programmes, including specific measures for the collection and disposal of illicit and surplus small arms and light weapons and for a regional approach in their implementation.

Some speakers stressed the need to bring under control the flow of ammunition and to adopt a policy of zero tolerance for smugglers. Some speakers supported the establishment of a group of governmental experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering. In addition to those measures which address the supply, particular attention should also be devoted to promoting a culture of non-violence in order to reduce the demand for small arms. At the end of the meeting the Council issued a presidential statement (S/PRST/2005/7) in which it called upon all Member States:

(a) To enforce all its resolutions on sanctions, including those imposing arms embargoes, and to bring their own domestic implementation into compliance with the Council's measures on sanctions;

(b) To continue to make available to the sanctions committees all relevant information on any alleged violations of arms embargoes and to take appropriate measures to investigate such allegations.

The Council further stressed the importance of a comprehensive international and regional approach to disarmament, demobilization and reintegration that is not limited to the political and security aspects of disarmament, demobilization and reintegration of former combatants, but addresses also its social and economic aspects, including special needs of child soldiers and women. It also requested the Secretary-General to update the Council on 28 February 2006, for its earliest possible consideration of the implementation of all the recommendations contained in his report entitled "Small arms" (S/2002/1053).

Children and armed conflict

On 23 February, the Security Council examined in an open debate under the presidency of the Minister for Foreign Affairs and African Integration of Benin the report of the Secretary-General on children and armed conflict (S/2005/72) issued on 9 February. In preparation for the open debate, the Council held an "Arria Formula" meeting on 16 February chaired by Jean-Marc de La Sablière, the Permanent Representative of France to the United Nations.

During the open debate 34 speakers took the floor. The report of the Secretary-General was introduced by Olara Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict. The United Nations Children's Fund was represented by Rima Salah.

Mr. Otunnu proposed a formal and structured compliance and enforcement regime to contribute to the protection of children in conflict situations. Mr. Otunnu underscored the gains yielded by efforts deployed over the last several years, which included increased global awareness of and advocacy for child protection and an international body of protection instruments and norms and the protection and well-being of children taken into account in all matters related to armed conflict

situations within and outside the United Nations. In order to end impunity, he urged the Council to undertake a four-pronged response by:

(a) Deciding to impose concrete and targeted sanctions against the offending parties named in the monitoring lists;

(b) Constituting a committee of the Council to review and monitor the imposition of specific sanctions for the protection of children exposed to conflict;

(c) Demanding that the parties on the monitoring lists, working in collaboration with the United Nations field representatives, prepare within six months time-bound action plans to end the violations for which they have been named;

(d) Endorsing the monitoring and reporting mechanism with a view to putting it into operation expeditiously.

He also presented the plan of action for establishing a comprehensive monitoring, reporting and compliance mechanism to provide for the gathering of objective, specific, reliable and timely information on violations committed against children. The information compiled should serve as a trigger for action and help redirect energies from the normative task of the elaboration of standards to the compliance mission of ensuring their application on the ground.

Ms. Salah stressed that the Security Council had the ability to take decisive action to protect children in situations of armed conflict by translating the commitments of international legal and other standards into action. In addition to developing effective monitoring and reporting procedures and an effective system of justice for children, she called for an urgent response to the crime of sexual violence and for action to stem the flow of small arms and light weapons, for the prevention of the recruitment of children in armed forces and for work to secure their release, demobilization, rehabilitation and reintegration.

The following high-ranking speakers contributed to the open debate: Asha-Rose Migiro, Minister for Community Development, Gender and Children of the United Republic of Tanzania; Pierre-André Wiltzer, High Representative for Security and Prevention of Conflicts of France; Itsunori Onodera, Parliamentary Secretary for Foreign Affairs of Japan; and Ibrahima Diouf, Special Adviser on Child Protection to the Executive Secretary of ECOWAS.

The speakers called for effective measures to put an end to the recruitment and use of children in armed conflict situations in violation of applicable international laws and the need to reintegrate child soldiers and to prevent them from becoming a factor in the recurrence of crises. They stressed that the "era of application" could be realistic if the implementation regime was based on cooperation among Governments, the United Nations system, international humanitarian agencies and local civil society actors. Further, the root causes of the phenomenon of child soldiers and the incentives for recruitment must be addressed and countered.

Most speakers expressed their support for the plan of action proposed by the Secretary-General to establish a comprehensive monitoring, reporting and compliance mechanism. Some speakers voiced their concerns about certain aspects of the plan of action, namely about possible unanticipated policy and resources implications of the proposed new thematic sanctions committee and the call for the

expansion of the duties of voluntarily funded programmes without the assurance that sufficient resources would be available.

At the end of the debate the Council issued a presidential statement (S/PRST/2005/8) in which it reiterated the crucial need for a systematic and comprehensive monitoring and reporting mechanism and its determination to ensure compliance and to put an end to impunity, in order to end the recruitment and the use of child soldiers in violation of applicable international law and other violations and abuses committed against children affected by armed conflict situations and promote their reintegration and rehabilitation. For this purpose, the Council started work on a new resolution with the aim of its early adoption and with due consideration of views expressed by United Nations Member States during the open debate.

Election of a judge of the International Court of Justice

According to procedural explanations given by the President of the Council during the informal consultations held on 14 February, and in compliance with its resolution 1571 (2004), the Security Council held a formal meeting simultaneously with the General Assembly to elect a judge of the International Court of Justice in order to fill the vacancy which occurred on 11 February due to the resignation of Judge and former President of the Court, Gilbert Guillaume of France. As a result of the draw of lots to select two delegations to serve as tellers, the delegations of Denmark and Romania appointed Michael S. Christensen and Cosmin Onisii to perform as such. Ronny Abraham obtained 15 votes. After receiving from the President of the General Assembly the information that Mr. Abraham had obtained an absolute majority of the votes in the General Assembly, Mr. Abraham was declared elected as a member of the International Court of Justice for the remainder of the term of office of Judge Guillaume, that is, until 5 February 2009.

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Report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000 and provides an update on the peace process since my report dated 7 March 2005 (S/2005/142). The report also describes the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE) during the period under review. The current mandate of the Mission expires on 15 September 2005.

II. Status of the Temporary Security Zone and adjacent areas, and cooperation with the parties

2. Despite occasional incidents described later in the present report, the situation in the Temporary Security Zone and in areas adjacent to it remained generally calm and stable. The Ethiopian Armed Forces maintained the dispositions that I described in my last report, which they continue to characterize as purely defensive. Eritrea, on the other hand, continued to perceive the existing deployment by Ethiopia as a provocation. No major movement or redeployment of Eritrean troops has been observed, except for some rather limited training activities in areas close to the Temporary Security Zone. I once again appeal to the Government of Ethiopia to redeploy its troops away from the vicinity of the southern boundary of the Temporary Security Zone in the interest of restoring confidence to levels essential for sustaining stability in the border areas.

3. During the reporting period, the parties demonstrated a level of cooperation that enabled the UNMEE Force to carry out its mandated tasks of observing, monitoring and reporting on activities in the Temporary Security Zone and its adjacent areas. The Ethiopian military authorities provided UNMEE with details of their current positions. On their part, the Eritrean authorities demonstrated a comparable degree of transparency. On 3 and 10 March, they took the UNMEE Force Commander to see their operational locations in Sector East and Sector West, respectively, in an effort to substantiate the claim that no redeployment had been carried out in these areas, in response to any moves on the Ethiopian side.

4. The number of cross-border incidents has generally remained the same, most of them being connected to livestock rustling or straying across the boundary by individuals. Three shooting incidents between alleged Ethiopian armed men and

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Eritrean militia occurred on 9, 11 and 26 April, all in Sector West. These incidents resulted in the deaths of four Ethiopians and one Eritrean militiaman. UNMEE investigated these incidents and continued to monitor the situation closely.

5. Notwithstanding the foregoing incidents, the integrity of the Temporary Security Zone has generally been maintained. However, as noted in my previous report, the lack of progress in resolving the stalemate in the peace process means that the threat to military stability remains real, a situation which is not helped by the continuously hostile rhetoric between the parties.

Freedom of movement

6. As a result of the improved climate of cooperation between UNMEE and the parties, there has been a decline in the restrictions placed on the freedom of movement of UNMEE personnel in the performance of their mandated tasks. However, a few significant restrictions still remain. On the Eritrean side, UNMEE patrols within the areas adjacent to the Temporary Security Zone continued to encounter restrictions. Furthermore, the road from Asmara to Barentu, via Keren, remained closed to UNMEE traffic. At present, there is no indication whether the road will be reopened in the near future. I reiterate my appeal to the Government of Eritrea to review its decision and to re-open this important supply route and to remove restrictions on the movement of UNMEE patrols in the areas adjacent to the Temporary Security Zone. On the Ethiopian side, Mission personnel also met restrictions on their movements within Sub-Sector East. I also appeal to Ethiopia to lift all such restrictions, as they undermine the Mission's operational capability.

7. With regard to the issue of a direct flight route between Asmara and Addis Ababa, I regret to have to report again that UNMEE aircraft must still fly via a third country. Progress on the matter has been made on the Ethiopian side following the Government's agreement to the implementation of direct flights by UNMEE aircraft. However, a response from the Eritrean authorities regarding the issue is still outstanding. I reiterate my appeal to the Government of Eritrea to address the matter positively, with the urgency that it deserves.

8. On a related issue, there have been other impediments that UNMEE personnel had to contend with in Eritrea while performing their assigned tasks or in going about their lawful business. These ranged from unwarranted arrests and detention of UNMEE personnel to recent restrictions imposed on the UNMEE military police contingent within the city of Asmara. Such actions contravene the privileges and immunities accorded to staff of the United Nations in accordance with the provisions of the United Nations Charter, the 1946 Convention on the Privileges and Immunities of the United Nations, as well as the model Status of Forces Agreement in force between the United Nations and the Government of Eritrea. My Special Representative will continue to request the Government of Eritrea to respect the privileges and immunities of Mission staff so that they can execute their duties.

Military Coordination Commission

9. Since my last report, the Military Coordination Commission held its 29th and 30th meetings in Nairobi, on 15 March and 11 May 2005, respectively. On both occasions, the two parties welcomed the extension of the UNMEE mandate to 15 September 2005. During the meetings, the delegates discussed the prevailing military situation in a cordial atmosphere. The meetings also served as a forum for

frank exchanges on issues such as cross-border incidents and restrictions on the freedom of movement of UNMEE personnel. Both sides expressed the willingness to cooperate fully with UNMEE in the search for solutions to those issues and welcomed the ongoing meetings of the Military Coordination Commission at the sector level.

Status of the Mission and related issues

10. As at 9 May 2005, the total strength of the UNMEE military component stood at 3,329, comprising 3,031 troops, 84 headquarters staff and 214 military observers (see annex II).

11. In accordance with Security Council resolution 1560 (2004) of 14 September 2004, the adjustment of the Mission and the streamlining of its operations commenced in December 2004 and were completed at the end of January 2005. The Mission initially assessed that the new concept of operations worked well and the mandated tasks were being fulfilled. The recent redeployment of troops of the Ethiopian Armed Forces closer to the southern boundary of the Temporary Security Zone, accompanied by an increase in tension in the area, have generated a need for greater surveillance and observation along the border, which UNMEE is addressing within existing resources.

III. Boundary Commission

12. In its seventeenth report, contained in annex I, the Eritrea-Ethiopia Boundary Commission has indicated that in accordance with the schedule notified in paragraph 32 of its sixteenth report, it has suspended its activities in the area. There has, accordingly, been no further demarcation activity.

IV. Ethiopian national and regional elections

13. Ethiopia's general elections were held on 15 May and the electoral process was described as generally stable and peaceful throughout the country. About 25 million voters participated in the ballot. More than 300 foreign observers, including the African Union, the European Union and the Carter Centre, monitored the electoral process, while over 800 accredited national and international journalists covered the electoral process.

14. Soon after the vote, protests of irregularities were lodged by opposition parties. The final results of the elections could not be determined until these were investigated and the delay in announcing the results was accompanied by some demonstrations. As I observed in my statement of 8 June, I condemn the violence that resulted in the shooting and killing of a number of demonstrators by security forces and I call on all parties for calm. It is imperative for the stability of the country that the Ethiopian Government and the opposition leaders do everything possible to resolve their differences through dialogue and legal means. In this connection, the efforts of the National Electoral Board of Ethiopia to investigate the allegations of electoral irregularities, with the participation of all relevant parties, should be fully supported.

15. In this regard, I welcome the 10 June joint declaration by the governing Ethiopian People's Revolutionary Democratic Front coalition and the main opposition parties, the Coalition for Unity and Democracy and the United Ethiopian Democratic Forces, reaffirming their commitment to the successful and peaceful conclusion of the electoral process, in a manner that fully respects the wishes of the people, the rule of law and the constitutional processes of the country.

V. Mine action

16. I am concerned that during the period March through May 2005, there were eight reported mine or unexploded ordnance incidents in the Temporary Security Zone and in its adjacent areas. One incident occurred in Sector Centre and seven in Sector West, in which one person was killed and eight persons were injured. This ongoing threat affects all who live and work in the area and hinders the return to normalcy for the people of the two countries. Four incidents of newly laid mines on roads occurred in the adjacent areas, in Sector West, on the Ethiopian side during a four-week period from the end of March through late April 2005. However, as there have been no further such occurrences since the end of April 2005, it is considered that this may have been a series of localized incidents over a limited period. As such, it does not appear to constitute a general return to widespread new mine-laying throughout Sector West, as had been experienced in the past.

17. The UNMEE Mine Action Coordination Centre continued to monitor closely the landmine and unexploded ordnance threat in all sectors. On 10 May, it issued a revised mine and unexploded ordnance threat assessment for the Mission area. It also continued to provide the necessary mine action support to the UNMEE Force and the military observers in the Temporary Security Zone.

18. During the period under review, the Force demining assets, together with the commercial contractors for route clearance and integrated demining operations, destroyed eight mines and 704 items of unexploded ordnance. It also cleared 1,385,156 square metres of land and 457 kilometres of road.

19. The Kenyan deminers of the Force continued to train and work with the commercial contractors to implement an integrated approach to demining operations inside the Temporary Security Zone. The training and operational phases progressed well, with increased productivity. The Bangladeshi demining contingent rotated during the reporting period and the newly inducted team commenced operations in the Shilalo region of Sector West.

20. The UNMEE Mine Action Coordination Centre's Mine Risk Education field teams focused their outreach activities on the recently returned internally displaced persons in Sector West, in accordance with the priorities established in collaboration with the Eritrean authorities. In total, the teams provided mine risk education to 6,890 persons.

VI. Humanitarian developments

21. In Eritrea, the humanitarian situation continued to deteriorate. For the fifth consecutive year, rain shortfalls resulted in crop failure and poor livestock production. This state of affairs, combined with the residual effects of war, the

underperformance of the economy and the loss of assets and coping mechanisms, has further exacerbated the situation of vulnerable populations. The continued mobilization also impedes the country's capacity to engage fully in agricultural and other recovery activities. Furthermore, the dry spell poses a threat to the cultivation of long-cycle crops and the availability of water for both people and livestock in many regions.

22. Inadequate funding of the 2005 Consolidated Appeal Process forced humanitarian agencies to reduce the targeted number of persons receiving food assistance from 2.3 million to 1.2 million and the standard food ration by 40 per cent. This reduction in the standard food ration has already contributed to the high malnutrition rates in parts of the country and the shortage of therapeutic and supplementary food has prevented an adequate response to the increasing number of malnourished children and women.

23. Furthermore, some 19,000 internally displaced persons who recently returned to their villages of origin or were resettled, together with the remaining 51,000 internally displaced persons and some 120,000 returnees from the Sudan, are still completely dependent on relief or reintegration assistance. Under the joint programming, the plan, subject to the availability of funds, is to return some 10,000 more displaced persons to their homes.

24. Current food stocks of 74,000 metric tonnes are not likely to last beyond July 2005. I appeal to the donor community to respond with a sense of urgency to the Consolidated Appeal for Eritrea in order to avert a rapid deterioration of the humanitarian situation in the country.

25. In Ethiopia, signs of a deteriorating food security situation, including acute malnutrition rates in certain parts of the country, have led to an increase in the number of persons in need of humanitarian assistance from 3.1 million to 3.8 million. The rise in the number of vulnerable persons created an additional need of 66,198 metric tonnes in food aid, bringing the total food requirement to 464,385 metric tonnes. The food requirements are expected to increase even further, by at least another 160,000 metric tonnes, following planned assessments in June and July in the pastoral and Belg producing areas. Inadequate funding to the non-food requirements of $135 million remains a growing concern as the "food first" culture continues to dominate funding trends. Appropriate interventions in the areas of health, water and agriculture are urgently needed.

26. The Productive Safety Net Programme, the country's food security agenda targeting 5.2 million chronically food-insecure persons, commenced on 16 February, after a delay of six weeks. Food and cash began to reach the needy only as of March and April, respectively. The Programme is a commendable effort by the Government to address the root causes of food insecurity and should continue to be fully supported by the international community. However, the slow implementation of the Programme and resource transfers to beneficiaries has resulted in unmet needs and a deteriorating humanitarian situation marked by high malnutrition levels. The continued high prices of food could strain the already low purchasing power of the chronically food-insecure population. Urgent action is required to address the implications of the delay in the Programme.

27. Meanwhile, the Enhanced Outreach Strategy for Child Survival, which targets approximately 7.5 million children with nutrition screening, vitamin A supplements,

immunization and supplemental feeding, has already covered 172 of the 325 planned administrative districts. The programme was initiated at a time of growing concern over alarming malnutrition rates identified in numerous food-insecure areas of the country.

Quick-impact projects

28. UNMEE continued to implement quick-impact projects in the Temporary Security Zone and in its adjacent areas, in both Ethiopia and Eritrea, from funds received through the Trust Fund to Support the Peace Process in Ethiopia and Eritrea. The Governments of the Netherlands, Norway and Ireland have contributed generously to the Trust Fund. The total of all contributions since 2001 has risen to US$ 1.2 million. I urge donors to continue lending support to these important projects by making additional contributions to the Trust Fund.

HIV/AIDS activities

29. The UNMEE HIV/AIDS unit continued to conduct induction training for new arrivals to the Mission area. It also offered voluntary counselling and testing services to some of the newly inducted personnel and distributed HIV/AIDS educational materials and condoms to all sectors in the Mission area.

Sexual exploitation and abuse

30. On 19 April, UNMEE appointed a new focal point on matters relating to sexual exploitation and abuse, seconded by an alternate, to support the Mission's zero-tolerance policy. In this regard, a two-day training of trainers session on preventing and addressing sexual exploitation and abuse was delivered in May to participants drawn from all UNMEE peacekeeping contingents.

31. I am pleased to note that contingents have already started replicating this training to the benefit of their fellow soldiers. Information on this issue, as well as training packages, were translated into all the main languages relevant to the contingents. UNMEE plans to complete a cycle of basic training on matters relating to sexual exploitation and abuse for both the military and civilian components of the Mission by the end of July.

VII. Human rights

32. The Eritrean authorities recently lifted the restrictions imposed on the activities of certain religious groups in the country. I am encouraged by this development, which represents a step forward in ensuring respect for and protection of the freedom of worship of the citizenry.

33. Since my last report, UNMEE continued to monitor cross-border incidents, particularly cases of reported abductions and missing persons from both Ethiopia and Eritrea, and to seek to promote a peaceful resolution of incidents. In the shooting incidents described in paragraph 4 above, including those that occurred on 9 and 11 April 2005, in the border area of Om Hajer in Eritrea, a total of four Ethiopian nationals were reportedly killed. In another development, a shooting incident in Fawlina, Eritrea, cost the life of one member of the Eritrean militia. In

relation to the victims of the Om Hajer incidents, negotiations are ongoing under UNMEE auspices to secure the repatriation of the mortal remains to Ethiopia.

34. In order to provide for a standing arrangement to deal with such situations, should they arise in the future, UNMEE is approaching the parties with a proposal for a framework of standard procedures for the repatriation of the remains of each other's nationals to their respective countries. I urge both Ethiopia and Eritrea to give the idea their full support.

35. Recently, UNMEE conducted interviews with a group of 41 Ethiopian nationals, including minors, who had been repatriated by Eritrea under the auspices of the International Committee of the Red Cross in early March 2005. Those interviewed complained of acts of discrimination and/or ill treatment suffered at the hands of the Eritrean authorities.

36. In Eritrea, 13,000 persons returned to their places of origin in Shilalo. Six thousand others from villages located in territory currently under Ethiopian administration were also settled in the Shilalo area. Even though financial assistance, on a modest scale, was provided by the Eritrean authorities, the families still face critical shortages of food, water and grazing land for their livestock. Concerns were expressed that those 6,000 persons may face difficulties in view of potential competition with neighbouring communities for access to agricultural land and water resources.

37. Since my last report, UNMEE has initiated a number of technical cooperation activities designed to help build capacity in dealing with human rights issues. Following a two-phase needs assessment mission conducted in Ethiopia, the authorities and civil society organizations committed themselves to a variety of human rights training programmes targeting law enforcement officials, civil society organizations and national human rights institutions.

38. UNMEE is ready to carry out similar activities in Eritrea. However, while generally receptive to the idea, the authorities suggested an adjustment to the Mission's human rights mandate to provide for the expanded scope of authorized activities. I invite the Eritrean authorities to assist UNMEE in extending its technical cooperation in human rights work in Eritrea.

39. UNMEE continued to provide human rights training for judges, prosecutors, law enforcement and prison officials, as well as civil society in Ethiopia. In March and April, UNMEE conducted lectures during human rights training programmes jointly organized by the Ethiopian Ministry of Justice and the Norwegian Government in Dire Dawa and Axum. The success of this training generated additional requests from other partners. The UNMEE Human Rights Office could fulfil these requests meaningfully only if a dedicated budget and human resources were made available to it.

VIII. Public information

40. The Mission's public information activities continued through radio programmes, weekly press briefings, video productions and UNMEE newsletters. The growing sense of frustration in Eritrea over the stalemate in the peace process has been reflected in the commentaries and editorials in the country's media. The tone of the commentaries has, of late, become more strident and filled with war

rhetoric. Ethiopia's media outlets, however, were more preoccupied with preparations for and the conduct of the 15 May general elections.

41. The outreach centres in Addis Ababa, Mekelle and Adigrat, on the Ethiopian side, continued to receive a large number of visitors during the reporting period. The search for additional outlets for the distribution of United Nations and UNMEE information material produced positive results. UNMEE has reached an agreement with several institutions, including the Ethiopian Tours Association, the Distance Learning Department in the Ministry of Education and the umbrella non-governmental organization, Christian Relief and Development Association, which have all recently begun to distribute, through their member organizations, outreach centre material. In Eritrea, the outreach centres regrettably remained closed.

IX. Financial aspects

42. The General Assembly, by its resolution 58/302 of 18 June 2004, appropriated $198.3 million, equivalent to $16.5 million per month, for the maintenance of UNMEE for the financial period from 1 July 2004 to 30 June 2005. The report containing the budget for the period from 1 July 2005 to 30 June 2006, which amounts to $176,716,200, is currently before the General Assembly. As at 31 May 2005, unpaid assessed contributions to the special account for UNMEE amounted to $65.8 million. The total outstanding assessed contribution for all peacekeeping operations as at that date amounted to $2,027 million.

X. Observations

43. The fact that the integrity of the Temporary Security Zone continued to be safeguarded during the reporting period, despite the persistence of difficulties in the peace process and the other problems experienced on the ground, is indeed a significant accomplishment. In that connection, I wish to commend the parties for the commitment they continue to demonstrate to the Agreement on Cessation of Hostilities, signed in Algiers in June 2000.

44. I am, nevertheless, deeply concerned by the recent shooting incidents that occurred in the Temporary Security Zone. Such incidents could easily escalate into situations that would compromise military stability and roll back the peace process. I appeal to both parties to continue to exercise maximum restraint at all times and to guard against the re-occurrence of these deplorable incidents. In my last report to the Security Council, I called on Ethiopia to reverse the deployment of its armed forces in close proximity to the border areas and to return to its pre-16 December 2004 positions in order to help de-escalate the tension between the two countries. The reasons for that appeal remain valid and I urge the Government to accord the matter the urgent consideration it requires.

45. The ongoing stalemate in the peace process is not sustainable in the long term. I would like, therefore, to renew my recommendation to the Security Council to undertake a mission to Ethiopia and Eritrea in order to reassure the two countries of the Council's unflinching commitment to the peace process. I reiterate my earlier call on the witnesses to the Algiers Agreements, and especially on those States

having influence with the parties, to play a more concerted role with a view to assisting the parties in breaking the protracted and dangerous stalemate.

46. In my reports of September and December 2004, I encouraged the implementation of technical cooperation projects for Ethiopia and Eritrea in order to meet additional requirements in the area of human rights. The promotion and protection of human rights is fundamental to the realization of the vision of the Charter. I am encouraged by the progress made thus far with Ethiopia and appeal to Eritrea to cooperate in the implementation of technical cooperation programmes.

47. As members of the Security Council are aware, one unfortunate feature of efforts to resolve the Ethiopia-Eritrea conflict has been the absence of political dialogue between the parties. I need not underscore the importance of dialogue in any conflict as an essential ingredient in the achievement of lasting peace.

48. The attainment of durable peace between Ethiopia and Eritrea rests primarily with the two countries. Fulfilment of this responsibility is a debt that the parties owe to their peoples. The international community, in this regard, is ready to support the parties in their efforts to abide by their treaty obligations. Key among these obligations is to implement the decision of the Boundary Commission in order to bring to an end an important source of conflict between them.

49. Finally, I would like to express my gratitude to my Special Representative, Legwaila Joseph Legwaila, and to the UNMEE civilian and military personnel for their continued commitment and hard work. I would also like to thank all the Mission's partners, including the United Nations country teams and other humanitarian agencies, individual Member States, the African Union and other international organizations, for the support they continue to lend to the peace process.

Annex I

Eritrea-Ethiopia Boundary Commission

Seventeenth report on the work of the Commission

1. This is the seventeenth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 1 March to 30 May 2005.

2. In accordance with the schedule notified in paragraph 32 of the Commission's sixteenth report, the Commission has now suspended all its activities in the area. The field offices have been closed; the Commission's staff contracts have been terminated; and its assets in the field have, for the time being, been placed in the custody of the United Nations Mission in Ethiopia and Eritrea. There has, accordingly, been no further demarcation activity.

3. The legal position and the practical possibilities of progress, remain as described in the Commission's sixteenth report.

4. The Commission will proceed with the demarcation if and when the parties can reach agreement on its resumption.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Eritrea-Ethiopia Boundary Commission

30 May 2005

Annex II

United Nations Mission in Ethiopia and Eritrea: contributions as of 9 May 2005

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	8			8	
Austria	2		1	3	
Bangladesh	7	168	6	181	
Benin					
Bosnia and Herzegovina	9			9	
Bulgaria	5		2	7	
China	7			7	
Croatia	7			7	
Czech Republic	2			2	
Denmark	4			4	
Finland	7		4	11	
France			1	1	
Gambia	4		2	6	
Germany	2			2	
Ghana	12		4	16	
Greece	3			3	
India	8	1 524	22	1 554	
Iran (Islamic Republic of)	3			3	
Italy		43	1	44	14
Jordan	7	949	11	967	
Kenya	11	314	10	335	
Malaysia	7		3	10	
Namibia	4		1	3	
Nepal	5			5	
Nigeria	5		3	8	
Norway	5			5	
Paraguay	3			3	
Peru	3			3	
Poland	6			6	
Romania	7			7	
Russian Federation	6			6	
South Africa	5		1	6	
Spain	3		1	4	
Sweden	5			5	
Switzerland	3			3	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Tanzania	8		2	10	
Tunisia	2		3	5	
Ukraine	7			7	
United States of America	7			7	
Uruguay	5	33	3	41	
Zambia	10		3	13	
Total	**214**	**3 031**	**84**	**3 329**	**14**

United Nations S/2005/401

Security Council

Distr.: General
21 June 2005

Original: English

Draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Taking note of the reports of the United Nations Panel of Experts on Liberia dated 17 March 2005 (S/2005/176) and 13 June 2005 (S/2005/360), and the report of the Secretary-General dated 7 June 2005 (S/2005/376), submitted pursuant to resolution 1579 (2004),

Recognizing the linkage between the illegal exploitation of natural resources such as diamonds and timber, illicit trade in such resources, and the proliferation and trafficking of arms and the recruitment and use of mercenaries as one of the sources of fuelling and exacerbating conflicts in West Africa, particularly in Liberia,

Recalling that the measures imposed under resolution 1521 (2003) were designed to prevent such illegal exploitation from fuelling a resumption of the conflict in Liberia, as well as to support the implementation of the Comprehensive Peace Agreement and the extension of the authority of the National Transitional Government throughout Liberia,

Expressing its concern that, while the deployment of the United Nations Mission in Liberia (UNMIL) has contributed to the improvement of security throughout Liberia, the National Transitional Government has not yet established its authority throughout Liberia,

Emphasizing the need for the international community to help the National Transitional Government increase its capacity to establish its authority throughout Liberia, particularly to establish its control over the diamond- and timber-producing areas and Liberia's borders,

Expressing deep concern at information that former President Charles Taylor and others still closely associated with him continue to engage in activities that undermine peace and stability in Liberia and the region,

Having reviewed the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set forth in paragraphs 5, 7 and 11 of resolution 1521 (2003),

05-39338 (E) 210605

Welcoming the assessment of the Panel of Experts that there is no evidence of illegal timber being exported from Liberia, but *noting* with concern that few of the reforms in the National Transitional Government of Liberia road map necessary to meet the conditions set forth in paragraph 11 of resolution 1521 (2003) for lifting the measures on timber imposed by paragraph 10 of resolution 1521 (2003) have been implemented,

Acknowledging the recent completion of the Forest Concession Review and *welcoming* the report of the Forest Concession Review Committee,

Welcoming the progress made by the National Transitional Government of Liberia with training for diamond mining officials, but *noting with serious concern* the increase in unlicensed mining and illegal exports of diamonds and the National Transitional Government of Liberia's agreement to, and lack of transparency in, granting exclusive mining rights to a single company,

Noting with concern the limited progress made by the National Transitional Government of Liberia towards establishing transparent financial management systems that will help ensure that government revenues are not used to fuel conflict or otherwise used in violation of the Council's resolutions but are used for legitimate purposes for the benefit of the Liberian people, including development,

Taking note of the ongoing discussions regarding a Liberia Economic Governance Action Plan, designed to ensure prompt implementation of the Comprehensive Peace Agreement and to expedite the lifting of measures imposed by resolution 1521 (2003), and expressing its intention to consider, as appropriate, the Action Plan,

Emphasizing that, despite completion of demobilization and disarmament, significant challenges remain in completing reintegration and repatriation of ex-combatants and restructuring of the security sector, as well as establishing and maintaining stability in Liberia and the subregion,

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides*, on the basis of its assessments above of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003), to renew the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) for a further period of six months from the date of adoption of this resolution;

2. *Urges* the National Transitional Government of Liberia to intensify its efforts, with the support of UNMIL, to establish its authority over the diamond-producing areas, and to work towards establishing an official Certificate of Origin regime for trade in rough diamonds that is transparent and internationally verifiable, with a view to joining the Kimberley Process;

3. *Reiterates* the Council's readiness to terminate all measures imposed by resolution 1521 (2003) once the conditions set forth in paragraphs 5, 7 and 11 of resolution 1521 (2003) have been met;

4. *Calls* on the National Transitional Government of Liberia urgently to intensify its efforts to reform the Forestry Development Authority, to implement the

Liberia Forest Initiative and to implement the Forest Concession Review Committee's recommendations for reform, which will ensure transparency, accountability and sustainable forest management and contribute towards the lifting of the measures on timber set forth in paragraph 10 of resolution 1521 (2003);

5. *Invites* the National Transitional Government of Liberia to consider, with the assistance of international partners and for a specific time period, the possibility of commissioning independent external advice on the management of Liberia's diamond and timber resources, in order to increase investor confidence and attract additional donor support;

6. *Notes* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force to prevent former President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, and *reconfirms its intention* to review these measures at least once a year;

7. *Reiterates* its intention to consider whether and how to make available to the Government of Liberia the funds, other financial assets and economic resources frozen pursuant to paragraph 1 of resolution 1532 (2004), once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia;

8. *Emphasizes* its concern that the National Transitional Government of Liberia has taken no action to implement its obligations under paragraph 1 of resolution 1532 (2004), and *calls on* the Government to take such action immediately, particularly through adopting the necessary domestic legislation, with technical support provided by Member States;

9. *Notes* also that the measures on arms, travel and timber imposed by paragraphs 2, 4 and 10 respectively of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1579 (2004) remain in force until 21 December 2005;

10. *Urges* UNMIL to intensify its efforts, as mandated in resolution 1509 (2003), to assist the National Transitional Government of Liberia in re-establishing its authority throughout Liberia, including diamond-producing and timber-producing areas, and restoring proper administration of natural resources;

11. *Reiterates* the importance of UNMIL's continuing assistance to the National Transitional Government of Liberia, the Committee established by paragraph 21 of resolution 1521 (2003) ("the Committee") and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, in the following areas:

(a) monitoring the implementation of the measures in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003) in accordance with paragraph 23 of that resolution;

(b) supporting efforts by the Transitional Government to prevent violations of those measures, and reporting any such violations;

(c) collecting, as appropriate, arms and any related materiel brought into Liberia in violation of the measures taken by States to implement paragraph 2 of resolution 1521 (2003), and disposing of such arms and related materiel as appropriate;

(d) assisting the National Transitional Government of Liberia in monitoring the recruitment and movement of ex-combatants, and reporting any relevant information to the Panel and the Committee, in order to reduce the opportunity for ex-combatants to undermine the peace process or provoke renewed instability in Liberia and the subregion;

(e) developing a strategy, in conjunction with the Economic Community of West African States and other international partners, to consolidate a national legal framework as mandated in resolution 1509 (2003), including the implementation by the National Transitional Government of Liberia of the measures in paragraph 1 of resolution 1532 (2004);

12. *Calls upon* UNMIL and the United Nations Missions in Sierra Leone and Côte d'Ivoire to intensify their cooperation, within their capabilities and areas of deployment and without prejudice to their mandates, to monitor arms trafficking and recruitment of mercenaries within the subregion;

13. *Reiterates* its call on the international donor community to continue to provide assistance to the peace process, including for reintegration of ex-combatants and reconstruction, to contribute generously to consolidated humanitarian appeals, to disburse as soon as possible the pledges made at the Liberia Reconstruction Conference in New York on 5-6 February 2004 and to respond to the financial, administrative and technical needs of the National Transitional Government of Liberia, in particular to assist the Government to meet the conditions referred to in paragraph 3 above, so that the measures can be lifted as soon as possible;

14. *Decides* to re-establish the Panel of Experts appointed pursuant to resolution 1579 (2004) for a further period until 21 December 2005 to undertake the following tasks:

(a) to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003), including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms,

(b) to assess the impact and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004);

(c) to assess the progress made towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003);

(d) to assess the humanitarian and socio-economic impact of the measures imposed by paragraphs 2, 4, 6 and 10 of resolution 1521 (2003);

(e) to report to the Council through the Committee by 7 December 2005 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before that date, especially on progress towards meeting the conditions for lifting the measures imposed by paragraphs 6 and 10 of resolution 1521 (2003);

(f) to cooperate with other relevant groups of experts, in particular that established on Côte d'Ivoire by resolution 1584 of 1 February 2005;

15. *Requests* the Secretary-General, acting in consultation with the Committee, to appoint as soon as possible no more than five experts, with the appropriate range of expertise, in particular on arms, timber, diamonds, finance, humanitarian and socio-economic and any other relevant issues, drawing as much as possible on the expertise of the members of the Panel of Experts established pursuant to resolution 1579 (2004), and further requests the Secretary-General to make the necessary financial and security arrangements to support the work of the Panel;

16. *Calls upon* all States and the National Transitional Government of Liberia to cooperate fully with the Panel of Experts;

17. *Decides* to remain seized of the matter.

United Nations S/2005/402

Security Council

Distr.: General
21 June 2005

Original: English

Draft resolution

The Security Council,

Reaffirming resolutions 1542 (2004) and 1576 (2004), and recalling resolution 1529 (2004), relevant statements by its President, as well as the Security Council's report on its Mission to Haiti from 13 to 16 April 2005 (S/2005/302),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti,

Stressing that free and fair elections, open to all political parties that have renounced violence and with the broadest possible participation of the Haitian people, must take place in 2005 in accordance with the established timetable, and that the democratically elected authorities must take office on 7 February 2006,

Affirming its determination to ensure a secure and stable environment in which the electoral process can take place,

Condemning all violations of human rights, including lack of due process and prolonged pretrial detentions, and *urging* the Transitional Government of Haiti to take all necessary measures to put an end to impunity and to ensure progress in the respect for the rule of law, including by pursuing reforms in the Haitian National Police (HNP) and in the justice and correctional systems,

Reaffirming the importance of appropriate expertise on issues relating to gender in peacekeeping operations and post-conflict peacebuilding in accordance with resolution 1325 (2000), recalling the need to address violence against women and children, and encouraging the United Nations Stabilization Mission in Haiti (MINUSTAH) as well as the Transitional Government of Haiti to actively address these issues,

Underlining that pervasive poverty is an important root cause of unrest in Haiti, and stressing that there can be no genuine stability without strengthening its economy, including through a long-term strategy for sustainable development and the strengthening of Haitian institutions,

Welcoming the approval of a National Programme on Disarmament, Demobilization and Reintegration (DDR) by the Transitional Government of Haiti, the United Nations Development Programme (UNDP) and MINUSTAH, and emphasizing that its implementation is imperative for broader stabilization efforts to succeed,

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Recalling that security, political reconciliation, and economic reconstruction efforts remain key to the stability of Haiti,

Noting that the Haitian people must take responsibility for achieving stability, social and economic development and law and order,

Determining that the situation in Haiti continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, as described in Section 1 of operative paragraph 7 of resolution 1542 (2004),

1. *Decides* to extend the mandate of MINUSTAH, as contained in resolution 1542 (2004), until 15 February 2006, with the intention to renew for further periods;

2. *Welcomes* the Report of the Secretary-General of 19 May 2005 on MINUSTAH (S/2005/313), and supports the recommendations of the Secretary-General as outlined in paragraphs 44-52, as follows:

(a) a temporary increase, during the electoral period and subsequent political transition, of 750 personnel to MINUSTAH's currently authorized military strength in order to create a rapid reaction force in Haiti to provide increased security, in particular in and around Port-au-Prince;

(b) an increase of 50 military personnel in order to create a sector headquarters in Port-au-Prince, with the understanding that MINUSTAH will optimize at all levels the coordination between military and police components to ensure efficient and better-integrated operations, including by posting UN staff civilian police officers in this headquarters;

(c) a temporary increase, during the electoral period and subsequent political transition, of 275 personnel to the current strength of MINUSTAH's civilian police component to provide increased security;

(d) an assessment of the Haitian judiciary and correctional systems including to explore possibilities for greater international community support, and a more active role by MINUSTAH, to be submitted to the Security Council as soon as possible;

3. *Decides* that for a temporary period MINUSTAH will consist of a military component of up to 7,500 troops of all ranks and of up to 1,897 Civilian Police. *Requests* the Secretary-General to devise, in a timely manner, a progressive drawdown strategy of the MINUSTAH force levels for the post-election period, in accordance with the situation on the ground;

4. *Requests* the Secretary-General to share with the Council the overall plan for the successful holding of elections in Haiti, including voter registration, security, logistics, civic education, observation, and detailed budget information; *urges* Haitian authorities to increase and accelerate efforts to prepare for and ensure the smooth conduct of the elections; and *calls upon* international donors to provide the necessary resources to support the electoral process;

5. *Requests* also the Secretary-General to share with the Council the reform plan for the HNP, formulated by MINUSTAH and the Haitian authorities, that includes the anticipated size, standards, implementation timetable, and resources;

6. *Requests* that MINUSTAH concentrate the use of its resources, including civilian police, towards increasing security and protection during the electoral period; including a review, as appropriate, of the rules of engagement of the individual civilian police officers;

7. *Requests* that MINUSTAH and the Haitian authorities take all necessary steps to achieve optimal coordination between MINUSTAH's civilian police and the HNP;

8. *Reaffirms* MINUSTAH's authority to vet and certify new and existing HNP personnel for service, and urges the Transitional Government of Haiti to ensure that HNP personnel do not serve unless certified and to ensure that technical advice and recommendations provided by MINUSTAH are fully implemented by Haitian authorities at all levels without delay;

9. *Calls upon* MINUSTAH to make the Joint Mission Analysis Cell operational as soon as possible in order to pool and better use the information available to the MINUSTAH military, police and civilian components; and *also calls* for the use of MINUSTAH's aviation assets in an efficient and effective manner in support of security operations;

10. *Urges* the Transitional Government to conduct thorough and transparent investigations into cases of human rights violations, particularly those allegedly involving HNP officers; *requests* that in order to support this effort MINUSTAH make the Joint Special Investigation Unit operational as soon as possible;

11. *Welcomes* the launching on 7 April 2005 of the "national dialogue" by the Transitional Government of Haiti, and *stresses* that such a dialogue should serve the long-term aim of national reconciliation and, in the shorter term, the holding of credible and inclusive elections; *urges* the Transitional Government of Haiti to redouble its efforts for this essential process and *invites* all Haitians to participate in this dialogue without delay;

12. *Urges* the Transitional Government of Haiti and MINUSTAH to begin immediately effective implementation of the DDR programme and *calls on* all Member States to provide timely financial, human and technical resources in support of this programme;

13. *Renews* its appeal for the accelerated disbursement of the funds pledged by international financial institutions and donors at the July 2004 International Donors Conference on Haiti; *supports* the Cayenne follow-up donor conference held on 16 and 17 June 2005, in Montreal; and *calls upon* all donors to continue to assist Haiti;

14. *Requests* MINUSTAH to strengthen its capacity to implement quick-impact projects; and *calls for* increased coordination between the various development actors in Haiti in order to ensure greater efficiency in development efforts;

15. *Invites* the Bretton Woods institutions to consider the issue of debt sustainability and the implications of the Highly Indebted Poor Countries (HIPC) initiative for Haiti;

16. *Urges* MINUSTAH to urgently develop and implement a proactive communications and public relations strategy, in order to improve the Haitian population's understanding of the mandate of MINUSTAH and its role in Haiti;

17. *Welcomes* efforts undertaken by MINUSTAH to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse, and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

18. *Requests* the Secretary-General to report to the Council on the effectiveness of the implementation of MINUSTAH's mandate at least once every three months; *requests* further that the Secretariat keeps the Council members informed, on a regular basis, on the status of electoral preparations, including party and voter registration figures and other relevant data;

19. *Decides* to remain seized of the matter.

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Letter dated 18 June 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

Further to our letter dated 23 January 2005, whereby we transmitted the report of the National Commission of Inquiry on Darfur (S/2005/80), you may recall that, in compliance with the recommendations of the Commission, my Government has established an investigative committee.

In this regard, and as a result of the work of his investigative committee, the Chief Justice established, on 7 June 2005, the Special Criminal Court on the Events in Darfur.

I have the honour to attach hereto the text of a press release, the decree on the composition of the Special Criminal Court and the decree of the Chief Justice establishing the Special Criminal Court (see annex).

I would greatly appreciate it if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Omar Bashir Mohamed **Manis**
Chargé d'affaires a.i.
Deputy Permanent Representative

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Annex to the letter dated 18 June 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

In the name of God, the Merciful, the Compassionate

Press Release

The operation of the judiciary, the settlement of disputes and the spread of justice represent the ultimate concern and the highest aim of the judicial community and the noblest of its constitutional duties. It is for this reason that the judiciary has accorded priority and paid the utmost attention to that sacred duty in the various states of the Sudan. It has also been the reason for repeated visits to those states by the judicial authorities.

Last week, within the framework of those visits, I myself undertook a visit to the three Darfur states in the company of a number of other judges and the Deputy Minister of Justice. Our purpose was to gain an idea of the performance of the judiciary and, more generally, of the judicial system and to devote special attention to the reports concerning attacks against persons, property and honour in those three states, where there has been great suffering.

After hearing the statements of heads of judicial organs and officials in law-enforcement and other bodies concerning the reports mentioned in the previous paragraph, which are currently being looked into by the judges, I decided that a special court should be established to examine those reports and any reports transmitted to it by the investigation committees; that the special court should be headed by a Supreme Court judge, who has had nearly half a century's experience in the judicial and legal fields; and that its members should be judges of the Court of Appeals with experience and knowledge in the judicial area.

Owing to the nature of some of the reports, a woman judge of the Court of Appeals was chosen as one of the members, being considered most appropriate for judging such cases.

I have in fact issued an order for the establishment of a Special Criminal Court on the Events in Darfur, understood to be a major court according to the legal concepts prevailing in the Sudan. I have granted the Special Court the power to rule on any complaint submitted to it involving violations of honour, killing, bloodshed or the plundering or destruction of property.

The Court is to begin operating this week. It has been granted freedom of movement in Darfur, so that it may have its seat in all the Darfur states.

We affirm that the Sudanese judiciary, as always, is capable and desirous of fully shouldering its responsibility in earnest for doing justice and restoring rights to their owners, free of any partiality, fear or influence, so that no person who has committed an offence may escape punishment, whatever his position or rank.

May God support our endeavour.

Jalal el-Din Mohammed **Osman**
Chief Justice
President of the Supreme Court

In the name of God, the Merciful, the Compassionate

Decision No. 702 of 2005

I, the Chief Justice,

Having considered the order establishing the Special Criminal Court on the Events in Darfur, issued on 7 June 2005, and pursuant to chapter I, article 2, of the said order,

Hereby issue the following decree:

1. The Court shall be composed of the persons whose names are indicated below:

His Honour Mr. Mahmoud Mohammed Saeed Abkam, Judge of the Supreme Court, President;

His Honour Mr. Inshirah Ahmed Mukhtar, Judge of the Court of Appeals, Member;

His Honour Mr. Awad el-Karim Osman Mohammed, Judge of the Court of Appeals, Member.

2. The Court shall begin operating immediately, in accordance with the decree whereby it was established.

Issued under my hand this fifth day of the month of Jumada I in the year A.H. 1426, corresponding to the eleventh day of the month of June of the year 2005.

(*Signed*) Jalal el-Din Mohammed **Osman**
Chief Justice

In the Name of God, the Merciful, the Compassionate

Decree Establishing the Special Criminal Court on the Events in Darfur

Pursuant to article 10 (e) of the Law on the Judiciary of 1986, in conjunction with article 6 (h) and article 14 of the Code of Criminal Procedure of 1991, I have issued the following Decree:

Title and entry into force of the Decree

(1) This Decree shall be called "Decree on the Establishment of the Special Criminal Court on the Events in Darfur" and shall enter into force from the date on which it is signed.

Chapter I
Composition and seat of the Court

(2) The Court shall consist of three members to be appointed by the Chief Justice. It shall be presided over by a Supreme Court judge and its members shall have the rank of public court judge at least.

(3) The seat of the Court shall be the city of El Fasher.

(4) The Court shall hold its sessions at its seat, which is specified in paragraph (3) above, but it may travel and hold its sessions in any other place which it specifies.

Chapter II
Jurisdiction

(5) The Court shall have jurisdiction on the following matters:

(a) Acts which constitute crimes in accordance with the Sudanese Penal Code and other penal codes;

(b) Any charges submitted to it by the Committee established pursuant to the decision of the Minister of Justice No. 3/2005 of 19 January 2005 concerning investigations into the violations cited in the report of the Commission of Inquiry;

(c) Any charges pursuant to any other law, as determined by the Chief Justice.

Chapter III
Court procedures
Notification of the defendant

(6) The defendant shall be notified and provided with a list of the indictments at least 72 hours prior to the scheduled date of hearing.

Representation by counsel

(7) The defendant shall be entitled to be represented by the defence counsel of his or her choice. Such attorney shall be permitted to meet the accused, address the Court on his or her behalf and examine and interrogate witnesses within the limits of the statements contained in their depositions.

Public sessions

(8) Sessions of the Court shall be public and anyone may attend them. However, the Court may, at its discretion, at any stage bar the public generally or a particular person from attending or remaining in the session, where the nature of the court proceedings so requires.

Commencement of the court proceedings

(9) The court proceedings shall commence with the registration of the name or names of the accused and related statements.

Case for the prosecution

(10) (1) A representative of the prosecution shall open the case against the accused with an opening statement, reading out a description of the crime and stating briefly the evidence on the basis of which the prosecution expects to prove the case against the accused.

(2) Thereafter the investigating officer, as the first prosecution witness, shall present the available evidence in support of the prosecution case.

(3) The prosecution representative shall then examine the other prosecution witnesses. The defendant, or his or her counsel, may cross-examine these witnesses. The prosecution representative may then examine them once more.

Authority of the Court in examining the defendant

(11) (1) After hearing the testimony of the prosecution witnesses, and with a view to enabling the defendant to elucidate any circumstances in the evidence that may militate against him or her, the Court may address any questions it deems necessary to the defendant.

(2) The defendant shall not be penalized if he or she refuses to answer those questions or answers them incorrectly. However, the Court is free to infer whatever conclusions it deems just from such a refusal or such answers.

(3) The indictment or indictments against the defendant are then read out, accompanied by any explanation that is necessary. The defendant is then asked whether or not he or she is guilty of the crime, or crimes, of which he or she is charged.

(4) In the event that the accused pleads guilty, this confession must be recorded; the Court is then free to convict the defendant on the basis of that confession.

(5) Should the defendant enter a plea of not guilty or decline to respond to the charge, the Court may then proceed with the trial. In either of these

cases, the defendant, or his or her counsel, must provide a brief description of the defence strategy.

(6) After the defendant has been questioned pursuant to paragraph (11) (1) above, he or she shall be asked whether or not he or she intends to summon any defence witnesses based on the list submitted or any character witnesses.

(7) Should the defendant decline to summon any defence witnesses, the prosecution representative may then proceed to sum up the case against the defendant.

Summoning defence witnesses

(12) If the defendant elects to summon defence witnesses, he or she must prepare a list of their names and furnish the Court with it at least 72 hours before the date of the indictment and the defence's reply.

Case for the defence

(13) (1) If the defendant responds by expressing a wish to summon witnesses other than character witnesses, the Court shall request a justification of the defence's case for so doing.

(2) The defendant, or his or her counsel, may examine defence witnesses as they appear on the list that contains their names. After examining these witnesses and cross-examining them, the defendant, or his or her counsel, may then make the closing speech for the defence.

(3) The prosecution representative may then proceed to make a final commentary on the defence case. He or she may also make a final presentation if the defence counsel declines to make a closing speech for the defence.

Administering the oath

(14) This chapter makes it obligatory for each witness who testifies before the Court to take an oath or to swear sincerely that he or she will tell the truth, the whole truth and nothing but the truth. However, in hearing the evidence of any person whom it deems, on grounds of youth, ignorance or any other grounds, to be unable to understand the nature of the oath, the Court may hear his or her testimony without administering the oath or declaration, if it determines that the person in question is rational enough to warrant his or her testimony being heard and to comprehend the duty to speak the truth.

Proceedings following sentencing

(15) Once sentence is passed, the Court must ask the defendant whether or not he or she wishes to summon any character witnesses, providing they have not already been summoned. Once such witnesses (if any) have been heard, the Court must then inquire whether or not the defendant wishes to present any information in mitigation of the sentence. Once such information (if any) has been presented, the Court must adjourn for deliberation.

Adoption of majority opinion

(16) Members of the Court shall confer about the issues to be settled and, in case of disagreement, the majority opinion shall be adopted.

Recording the dissenting opinion

(17) Each dissenting opinion shall be recorded in the minutes along with its legal justifications. However, it shall not appear in the sentence.

The sentence

(18) Once the Court has completed its proceedings and deliberations, it must issue and promulgate its verdict without delay.

(19) Notwithstanding the contents of this chapter, the Court is obliged to adhere to the 1991 Code of Criminal Procedure and the rules of evidence stipulated in the 1994 law of evidence.

Chapter IV
Appeals procedure

(20) (a) Appeals against judgements, sentences or injunctions issued by the Court shall be heard before a special court of appeal to be set up by the Chief Justice.

(b) Appeals to quash a sentence of the special court of appeal may be filed with a chamber of five judges of the Federal Supreme Court to be appointed by the Chief Justice.

(c) When considering appeals, the appeals authorities shall follow the rules of procedure stipulated in the 1991 Code of Criminal Procedure.

Witness my hand today, 7 June 2005

Jalal el-Din Mohammed **Osman**
Chief Justice

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Letter dated 20 June 2005 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I am writing to inform you that on 19 June 2005, the fourth parliamentary elections were held in the Republic of Nagorno Karabakh since 1991, when the Republic declared its independence from Azerbaijan on the basis of a referendum conducted according to the norms of international law and the existing legislation of the time. Previous elections to the Republic of Nagorno Karabakh legislative body were held in 1995 and 2000. About 100 observers from the Czech Republic, Greece, Iran, Russia, the United Kingdom, the United States and other nations monitored the 19 June parliamentary elections.

Elections in Nagorno Karabakh are held with the intent to secure the self-governance of the population living within its territory and strengthen the democratic institutions, which is encouraged by the international community at large.

The document that mandated the Minsk process, adopted by the Council of Ministers of the Conference on Security and Cooperation in Europe in Helsinki in 1992, referred specifically to the attendance of Nagorno Karabakh, as one side of the negotiations, represented by their elected authorities. The summary of conclusions of the additional meeting of the Council of Ministers stated that elected and other representatives of Nagorno Karabakh would be invited to the Minsk conference as interested parties by the Chairman of the Conference after consultations with the States participating at the Conference.

Law and order are not just desirable but also necessary for Nagorno Karabakh, even if its final status is still undetermined. Popularly elected authorities become an important factor in the negotiation process and in implementing whatever agreements may be reached through negotiations. They are also an expression of the people's right to self-determination.

The 2005 parliamentary elections in Nagorno Karabakh were the first held under a new electoral code, which introduced numerous improvements to the procedures in force during previous presidential, parliamentary and local elections. Of the nine political parties in Nagorno Karabakh, eight nominated candidates. Six of the parties ran on separate party tickets and two parties established a common party ticket for the campaign. Women constituted 8.5 per cent of the nominated candidates. Over 70 per cent of the 89,576 registered voters took part in the elections, exceeding the 25 per cent minimum requirement. Seven parties and 185 candidates were vying for places in Nagorno Karabakh's fourth parliament, with two

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thirds of the parliament's 33 seats to be elected directly and one third under a proportional system.

The preliminary report of the public international law and policy group delegation to the 19 June 2005 Nagorno Karabakh parliamentary elections concluded that Nagorno Karabakh had made demonstrable progress in building democracy and its authorities had made serious effort to conduct the 2005 polls by democratic means. The new electoral code in particular had seemed to have helped unlock the political energies of the Karabakh people while at the same time channelling those energies in democratic directions by facilitating the establishment of political parties. Districts appeared to be established on the basis of technical considerations rather than political considerations. While there remained room for further improvement, there was reason too for optimism that the people of Nagorno Karabakh could consolidate the democratic progress witnessed in the 19 June elections.

The public international law and policy group delegation reported that the general climate at the polling places had seemed to be positive and businesslike. There had been no evidence of intimidation or any climate of fear or uncertainty on the part of voters. In addition, it was noted that electoral law changes introduced by the Central Election Commission had opened up the democratic space for political parties. Competition in that arena had adhered to generally accepted international electoral standards. In their totality, the evolution of the voting system towards a more democratic process, the nature of the electoral campaign, and the conduct of voters and officials on election day were strong signs that Nagorno Karabakh had made significant progress towards establishing a functioning and, it was hoped, sustainable democracy. It saluted the voters, candidates and in particular the Central Election Commission for demonstrating a serious commitment towards establishing a democratic system in Nagorno Karabakh and working within its rules and procedures before and during the election. The election environment had been calm and no reports of general intimidation had been received.

The public international law and policy group delegation was composed of members having a balance of experience in international election monitoring and democracy-building in the former Yugoslavia and Afghanistan, as well as regional expertise.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative of Armenia to the United Nations